

**CASCADE COUNTY PLANNING BOARD**

PLANNING STAFF: Report and Recommendations

REGARDING: Rezone Request, Public Hearing, November 1, 2016

SUBJECT: Rezone Parcel 5786715 & 5786700, described as Lot 3 of the Campbell Dam Minor Subdivision and a 252-acre parcel adjoining it to the west and south. The parcels are located in Section 6, Township 20 North, Range 2 East

PRESENTED BY: Don Sims, PLANNER

**GENERAL INFORMATION:**

Applicant/Owner of Record: Nicholas Rockwell, Owner of Rockwell Scales, Inc. & Country Home Colony, Inc.

Property Location: Rockwell property is addressed as 974 McIver Road; Colony’s property is adjacent to the south and to the west, in Section 6, T20N, R2E, PMM., Cascade County, MT.

Existing Zoning: “RR-5” Rural Residential (5 Acres)

Requested Action: Rezone from “RR-5” Rural Residential (5 Acres) to “A” Agricultural District.

Purpose: The applicant desires the rezoning to allow the continuation of his agricultural business. The Colony currently uses the 252 acres for agricultural activities.

Existing Land Use: Agricultural

Surrounding Zoning and Land Uses:

Direction	Parcel Number (s)	Zoning District	Existing Land Use
North	5800800, 5800500, 5800600, 5800700, 5800400	RR-5	Residential-Rural, Ag
East	Parcel #5786710, 3009300 3010100, 3011320, 3011310, 3011200	RR-5	Undeveloped agricultural land
South	Parcel #5943300	A	Undeveloped/vacant land/State Park Land
West	Parcel #5705000	A	Undeveloped/Vacant land

**SPECIAL INFORMATION**

1. Nick Rockwell and the Country Home Colony are petitioning as owners and applicants to rezone a combined total of 272.395 acres of property from Rural Residential (5 acre min.) RR-5 to Agricultural District A (20 acre min.).
2. Nick Rockwell's property is 20.135 acres and the Country Home Colony owns 252.26 acres.
3. The requested Agricultural District zoning permits principal uses ranging from limited agricultural uses with Location Conformance Permits to light industrial, public utilities, and a variety of uses requiring Special Use Permit Applications.
4. The intent of the rezoning is to allow Mr. Rockwell to continue his existing business operation. His business is to construct large agricultural scales for ranchers or farmers. The Hutterite colony is very agrarian and has been cropping the field for some time.
5. Law enforcement activities are provided by the Cascade County Sheriff's Department and fire protection support is provided by the Vaughn Volunteer Fire Department.
6. Notice of Public Hearing was mailed to surrounding property owners on October 21, 2016. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on October 23, 2016 & October 30, 2016.

**ZONING ANALYSIS**

*Section 76-2-203 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with all zoning or rezoning proposals; the criteria are:*

**Criteria #1, the rezone application is made in accordance with the five listed goals in the growth policy;**

The 2014 Cascade County Growth Policy (CCGP) contains five (5) goals which the policy defines as a direction of the Growth Policy. Each Goal also includes a subset of Objectives which the Growth Policy defines as a more narrowly defined and concrete expression of community intent. The five (5) goals and their related objectives are:

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

**Objectives:**

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

*Applicant: Rockwell Scales Inc. is an existing business that was established as the Great American Salvage Corporation locally in 1980. We manufacture scales for weighing livestock and trucks. Primarily for farmers and ranchers in Montana. This is an agricultural based business that relies heavily upon the agricultural market.*

**Staff:** Rockwell Scales is an existing business in Simms looking for more land to expand. The scales are a value-added commodity that are constructed on-site and shipped to clients all over the United States.

- B. Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.

*Applicant: Rockwell Scales will continue to stimulate the tax base by creating new jobs and increasing the value of the property and therefore increasing the property taxes for Rockwell Scales. In building a larger shop to accommodate increased sales, Rockwell Scales will be paying higher income taxes as well.*

**Staff:** The applicant will meets Goal 1, Objective B of the CCGP.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunication, and youth/social services.

*Applicant: Rockwell Scales compliments existing business by expanding its own capabilities to begin with. Furthermore, nearly all of the components used in Rockwell scales are bought locally. We buy our steel from Pacific Steel. Other components come from American Welding & Gas, Consolidated Electrical Distributing (C.E.D), and Fastenal. We often buy tools and other accessories from Home Depot. We have tools repaired at Mosch Electric and our vehicles repaired by Rocky Mountain Diesel. Our paint is bought from Sherwin Williams in Great Falls. We even bought our building from a Montana company. Nearly everything we do is Montana based.*

**Staff:** The applicant supports local business and is creating value added manufacturing products in Cascade County. The application meets Goal 1, Objective C of the CCGP.

**D.** Promote the development of cultural resources and tourism to broaden Cascade County's economic base.

*Applicant: Rockwell Scales will have no negative impact on cultural resources and tourism.*

**Staff:** The applicants' rezone application does not impact Goal 1, Objective D of the CCGP.

**E.** Foster and stimulate well-planned entrepreneurship among the county's citizenry.

*Applicant: Rockwell Scales is a locally owned business and its owner is an entrepreneur that would like to pursue other business ventures with the revenue produced from Rockwell Scales, Inc.*

**Staff:** Rockwell Scales' is operated by an entrepreneur in Cascade County and the rezone application meets Goal 1, Objective E of the CCGP.

**F.** Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.

*Applicant: As stated under (c) Rockwell Scales will promote local business environments by buying locally and continuing to do so in the foreseeable future. Rockwell Scales' owner believes in promoting local business to help strengthen the local economy.*

**Staff:** Rockwell Scales' owner intends to be a responsible business owner, the rezone application meets Goal 1, Objective F of the CCGP.

**G.** Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.

*Applicant: As stated under (c) Rockwell Scales will improve local trade by shopping locally for its scale components. As Rockwell Scales grows in their new facility local trade will only increase.*

**Staff:** As stated by the answer for Objective C, Rockwell Scales' owner intends to be purchase products in the region as much as feasible. The rezone application meets Goal 1, Objective G of the CCGP.

H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.

*Applicant: Rockwell Scales is currently a manufacturer for one other scale company in Montana and is actively working to enter agreements with other scale companies in the state. We have scales throughout the state. When a farmer or rancher buys a scale from us it saves them significant amounts of money on the scale itself, the installation of the scale and shipping charges for the scale.*

**Staff:** Rockwell Scales' appears willing to network with other businesses and meets Goal 1, Objective H of the CCGP.

I. Encourage the growth of the agricultural economy.

*Applicant: Rockwell scales builds scales used in agricultural scenarios. Scales increase productivity and reduce the cost of production allowing my customers to funnel their savings back into their agricultural business. For ranchers it increases their income when shipping cattle due to not having to ship the cattle over long distances, stressing them and making them lose weight before they are sold, based off their weight.*

**Staff:** Rockwell Scales' constructs agricultural scales and intends to support Cascade County's agricultural economy.

J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

*Applicant: Rockwell Scales will not have a negative impact on using alternative methods.*

**Staff:** Rockwell Scales' will not impact alternative methods of energy production.

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

**Objectives:**

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

*Applicant: Rockwell Scales fosters the continuance of agriculture by helping farmers and ranchers maintain their farms and ranches by saving them money and helping them maintain better records.*

**Staff:** Rockwell Scales' intends to improve efficiency of farmers and ranchers throughout the country and this rezone application supports Goal 2, Objective A of the CCGP.

**B.** Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.

*Applicant: Rockwell Scales will have no negative impact on the land. We primarily work with metal and all excess is recycled.*

**Staff:** As stated by the applicant, Rockwell Scales' has no intention of harming the scenic beauty of Cascade County.

**C.** Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.

*Applicant: Rockwell Scales is currently in the process of locating closer to Great Falls.*

**Staff:** Rockwell Scales' intends to move from its location in Simms to be closer to Great Falls. The property in question is close to I-15 and the Ulm Vaughn Road.

**D.** Assure clean air, clean water, a healthful environment and good community appearance.

*Applicant: Rockwell Scales will maintain clean air, clean water, and healthful environment and a good community appearance. We do nothing to impact air, water, or health quality and we are not near any open streams. Our shop is new and will be well maintained contributing to community appearance. We keep our equipment behind the shop and as out of sight as possible.*

**Staff:** By constructing a shop the applicant intends to keep its manufacturing activity enclosed to maintain a good community appearance for the area.

**E.** Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable energy production.

*Applicant: Rockwell Scales has considered installation of a windmill for personal power use, but we have not made a final decision on it and will do nothing to hinder further resource development.*

**Staff:** The applicant does not propose any projects regarding energy production.

**F.** Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields processes.

*Applicant: Rockwell Scales has no impact on the subject. But we do nothing to hinder it and we support it.*

**Staff:** This property has not been identified as a brownfield or superfund site.

**Goal 3: Maintain Agricultural Economy**

**Objectives:**

A. Protect the most productive soil types.

*Applicant: Rockwell Scales will have no impact upon local soil types.*

**Staff:** According to the USDA Web Soil Survey, 95% of the property applying to be changed to agricultural is not prime farmland.

B. Continue to protect soils against erosion.

*Applicant: Rockwell Scales will do nothing to promote soil erosion. With our building and fences we would be protecting against some wind erosion. We also farm the land, so we contribute in that regard.*

**Staff:** Staff has no reason to doubt the applicant's statement.

C. Protect the floodplain from non-agricultural development.

*Applicant: This location is not within the flood plain and will have no impact on this subject.*

**Staff:** While the Sun River's floodplain is north of the property, this location is not in the floodplain.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

*Applicant: I'm not sure what value added agriculture is, but in general Rockwell Scales promotes the agricultural industry with our scales. We utilize products primarily in Montana.*

**Staff:** Planning staff feel Rockwell Scales manufactures products that could be viewed as value-added agricultural products.

**Goal 4: Retain the presence of the US Military in Cascade County**

**Objectives:**

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

*Applicant: Rockwell Scales supports the military and any growth that it may want to pursue in Great Falls and Montana in general. We also have employed part time employees from Malmstrom Airforce Base.*

**Staff:** The rezone will not impact the current mission status of Malmstrom Airforce Base.

**B.** Promote the location of additional military missions in Cascade County.

*Applicant: Rockwell scales supports any and all missions in Cascade County.*

**Staff:** This rezone application will not have an impact on Goal 4, Objective B of the CCGP.

**C.** Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

*Applicant: Rockwell Scales encourages and will support the reactivation of the runway at Malmstrom.*

**Staff:** This rezone application will have no impact on Goal 4, Objective C of the CCGP.

**D.** Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

*Applicant: Rockwell Scales will not have any impact on this subject.*

**Staff:** The closest missile location is northeast of Vaughn. Rockwell Scales will not have an impact on the Joint Land Use Study.

**Goal 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.**

**Objectives:**

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

*Applicant: Rockwell Scales creates jobs that allow citizens to earn money and promote their independent lifestyle.*

**Staff:** Rockwell Scales hopes to create a productive business in an agricultural district of Cascade County's evolving economy and provide scales to the agricultural community of the County, State, and Country.

**B.** Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

*Applicant: Rockwell Scales promotes cultural heritage by helping farmers and ranchers earn more money and save therefore contributing to helping them pay their bills, expand and maintain their farms and ranches.*

**Staff:** Rockwell Scales hopes to create a productive business in an agricultural district of Cascade County's natural resource development economy, with little or no impact to historic sites or archaeological areas.

**C.** Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.

*Applicant: Rockwell Scales will have fire protection in their building along with training and fire prevention training for its employees. We have never had a wildfire incident and with all work being done inside the building with a concrete floor, fire incidents would be nearly impossible.*

**Staff:** Planning staff has no reason to doubt the applicant's statement.

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

*Applicant: Rockwell Scales has encouraged educational programs by encouraging its employees to go to school for welding and has itself trained several employees how to weld giving them a new skill for a high pay jobs.*

**Staff:** The rezone application will have limited or no impact on Goal 5, Objective D of the CCGP.

**Criteria #2, Whether the zoning regulations have been designed to secure safety from fire and other dangers.**

*Applicant: There have been no proposed change that would affect the way to secure additional safety from fire and other dangers. There are no changes to enhance or worsen protection from these types of dangers.*

**Staff:** The proposed zone change is meant to better reflect the property owners intended use of the property and will have no impact on securing safety from fire or other dangers.

**Criteria #3, Whether the zoning regulations have been designed to promote public health, public safety, and general welfare.**

*Applicant: The zoning regulation changes are not proposing change that would affect the public's health, public's safety or their general welfare.*

**Staff:** The proximity of residences on the northern portion of McIver Road could be an issue if the business outgrows the structure.

**Criteria #4, Whether the zoning regulations have been designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.**

**Staff:** While the applicant is silent on this criteria, this zone change application will have little impact on those areas.

**Criteria #5, Whether the zoning regulations have been designed to provide adequate light and air.**

**Staff:** While the applicant is silent on this criteria, this zone change application will have little impact on light and air in Cascade County.

**Criteria #6, Whether the zoning regulation have been designed to address effects on motorized and non-motorized transportation systems.**

*Applicant: Rockwell Scale will have no major impact on motorized vehicle transportation. We will have a parking lot for employees. Currently there is only one employee. We will occasionally have a semi-truck come to unload steel or ship a scale. Many scales are smaller and will be shipped by us ourselves on a trailer pulled by a pickup. This year we have had approximately 5 semi's at our current location. Five semis per year should not make a significant impact on traffic. This number may rise or fall dependent on business and what types of scales are ordered.*

**Staff:** The business may have an impact on the western .3 mile of McIver Road, while the current number of vehicles generated by Rockwell Scales is small, if the business ever grows, this zone change application could have an adverse impact on neighboring residential parcels to the north.

**Criteria #7, Whether the zoning regulations have been designed to be compatible with urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities.**

**Staff:** While the applicant is silent on this criteria, this zone change application is approximately 10 miles northwest of Great Falls and 2 miles south of Vaughn and I-15.

**Criteria #8, Whether the zoning regulations have been made with reasonable consideration to the district's peculiar suitability for particular uses.**

**Staff:** While the applicant is silent on this criteria, staff feels this zone change application is appropriate. A re-zone of the property to Agricultural may have the possibility of resulting in the creation of spot zone, which as been deemed to be illegal by the 1981 Montana Supreme Court Case, "Little vs. Board of County Commissioners". The case determined three factors must exist before a property can be considered an instance of unlawful spot zoning. These are:

- 1) The proposed use is significantly different from the prevailing use in the area;
- 2) The area in which the requested use is to apply is rather small from the perspective of concern with the number of separate landowners benefited from the proposed change;
- 3) The change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

When considering the "Little vs. Board of County Commissioners," the first factor to consider is if "the proposed use is significantly different from the prevailing use in the area". The proposed agricultural uses will not be significantly different from the prevailing use to the south and west. The residentially zoned parcels on the north side of McIver Road will likely be opposed to this rezone application.

The 2<sup>nd</sup> factor will not be met because the two parcels involved are 272.395 acres. The 3<sup>rd</sup> factor could be met given the nature of the rezone application, both Mr. Rockwell and the Colony feel they are better served by the agricultural zoning district than a Rural Residential district. Since the two properties are surrounded by agricultural zoning to the south and west, planning staff are comfortable that this is not a spot zone scenario.

**Criteria #9, Whether the zoning regulations have been made with a view to conserving the value of buildings.**

**Staff:** While the applicant is silent on this criteria, this zone change application should not have a dramatic impact on the value of buildings in the vicinity.

**Criteria #10, Whether the zoning regulations have been made with a view to encouraging the most appropriate use of land throughout the jurisdictional area.**

**Staff:** While the applicant is silent on this criteria, this zone change application will make the applicants zoning district more appropriate for their intended use of the property.

**Criteria #11, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.**

*Applicant: The majority of the land is still being used for farming purposes.*

**Staff:** This property is not located near any municipality.

**CONCLUSION**

The Cascade County Zoning Regulations state an agricultural district is a zoning classification that allows a number of uses and special use permits not allowed within residential districts. Staff finds the applicant’s request to rezone the two parcels to agriculture is more in line with what they intend to use the property for. The zone change request is for parcels bordering agricultural uses of land and agricultural zoning. While staff is nervous that the Rockwell business has a possibility of creating increased traffic and heavy trucks on McIver Road, we feel the request is largely valid.

**RECOMMENDATIONS**

Two recommendations have been provided for your consideration:

**Recommendation One:**

“I move the Planning Board recommend to the County Commission that after consideration of the staff report that the zone change request of Nicholas Rockwell (Rockwell Scales, Inc.) and Country Home Colony, Inc, to rezone of parcel #5786700 and parcel # 5786715, located in Section 6, T. 20N., R. 2E., P.M.M., Cascade County, MT. from “RR-5” Rural Residential (5 acres) to “A” Agricultural, be **denied.**”

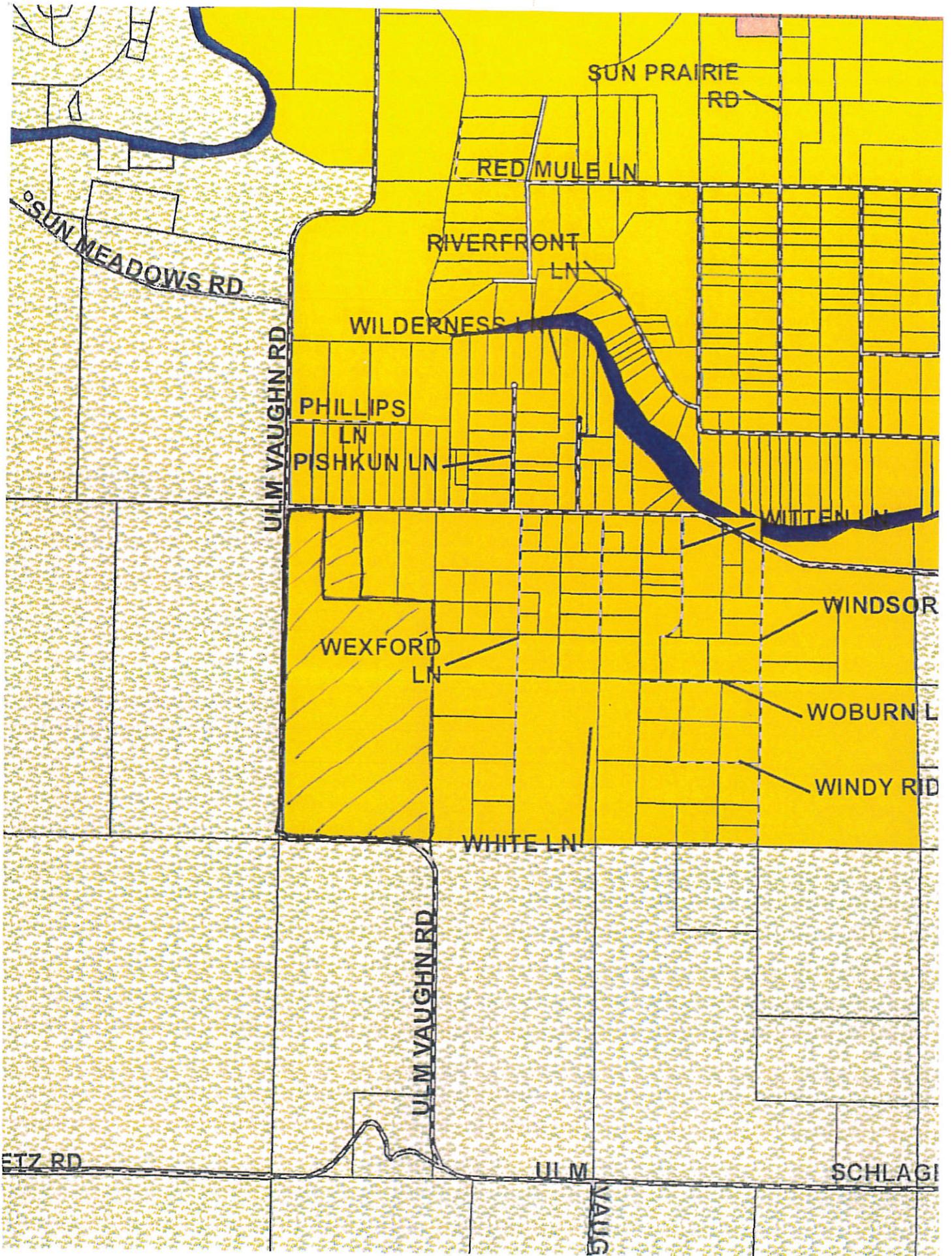
**OR:**

**Recommendation Two:**

“I move the Planning Board recommend to the County Commission that after consideration of the staff report that the zone change request of Nicholas Rockwell (Rockwell Scales, Inc.) and Country Home Colony, Inc, to rezone parcel # 5786700 and parcel # 5786715, located in Section 6, T. 20N., R. 2E., P.M.M., Cascade County, MT. from “RR-5” Rural Residential (5 acres) to “A” Agricultural, be **approved.**”

Attachment:

- 1) Rezone application
- 2) Map showing parcels zoning



Two Parcels. RR5 to A0