

CASCADE COUNTY PLANNING BOARD

PLANNING STAFF: Report and Recommendations

REGARDING: Rezone Request, Public Hearing, April 16, 2019

SUBJECT: Rezone Parcels 0005606400 and 0005217600, located in Sections 18 and 19, Township 18 North, Range 07 East

PRESENTED BY: Sandor Hopkins

GENERAL INFORMATION:

Applicant/Owner of Record: Trophy Property Developers Inc

Property Location: The properties are in the NE ¼ NW ¼ and NW ¼ NE ¼ of S19, T18N, R7E, and the Mk 1 S ½ of S18, T18N, R7E, P.M.M., Cascade County, MT

Existing Zoning: “A” Agricultural

Requested Action: Rezone from “A” Agricultural to “RR5” Rural Residential 5

Existing Land Use: Grazing/Undeveloped

Surrounding Zoning and Land Uses:

Direction	Parcel Number (s)	Zoning District	Existing Land Use
North	0005606600	A	Membership Club and Tourist Cabins Grazing/Undeveloped
	0005607375	RR-5	
	0005607370	RR-5	
	0005607365	RR-5	
East	0005606300	A	Grazing/Undeveloped
	0005217700		
South	0005217950	A	Grazing/Wild Hay
West	0005606600	A	Membership Club and Tourist Cabins Grazing/Wild Hay
	0005217950		

SPECIAL INFORMATION

1. Trophy Property Developers Inc is petitioning as owner and applicant to rezone 143.98 acres of property from Agriculture (A) to Rural Residential 5 (RR-5).
2. The requested Rural Residential 5 Zoning District allows a variety of low-intensity uses in line with Residential Districts as well as provisions for limited agricultural uses, and community facilities such as educational facilities, public safety facilities (fire departments, clinics, etc), and worship facilities. This district does not allow many uses

that are permitted in the existing Agricultural district through principal uses or special uses, such as commercial dairies, power plants, riding and roping arenas, and commercial breeding facilities.

3. All allowable uses in the Rural Residential 5 district are called out in § 7.1.1 of the Cascade County Zoning Regulations (CCZR). All allowable uses in the Agricultural district are called out in § 7.2 of the CCZR. Both sections have been added to this Staff Report as supplements.
4. Law enforcement activities are provided by the Cascade County Sheriff's Office and fire protection support is provided by the Belt Volunteer Fire Department.
5. Notice of Planning Board's Public Hearing was mailed to surrounding property owners on April 5, 2019. Legal Ads of the Planning Board's Public Hearing were published in the Great Falls Tribune on April 7, 2019 & April 14, 2019.
6. At the time of publishing this report, Staff has received no comments regarding this proposed zone change.

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.

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

- 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.
- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.
- 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.
- I. Encourage the growth of the agricultural economy.
- J. Stimulate the growth of the economy by encouraging the use of alternative methods of energy production, including wind energy.

Applicant: The proposed zone change will enable construction of residential lots that will enhance economic opportunity and increase utilization of existing available assets. The addition of residential lots will increase tax revenues for Cascade County, and retail spending at businesses within the County and in area communities will increase as well. The proposed zone change will create no adverse impact on the agricultural economy, or on alternative energy development and production.

Staff: This proposed rezone can potentially have both positive and negative impacts on Goal 1 of the Growth Policy. The current Agricultural district allows more intensive and commercially driven uses than what is allowed in the Residential districts. Reducing the development potential of this property by allowing a rezone to a residential district could theoretically be contrary to this goal, however there is never an assurance that a landowner will seek to maximize development potential of a property due to any number of factors such as capital, infrastructure, and market demand. Land in the Agricultural district is commonly used for non-agricultural uses, such as small businesses ranchettes and residences, as well as true agricultural uses such as grazing, pasture, or farmland. However, since these properties are currently undeveloped and adjacent to a residential subdivision created by the applicant, it logically follows that this land would move into true residential use, and the construction

of high-end homes matching the existing Ranches at Belt Creek Subdivision would provide business opportunities to local contractors and construction companies, as well as provide homes for potential residents who will then put money back into the local economy when they visit Cascade County and the surrounding areas, through direct spending and tax-revenue. By extension, staff anticipates that this proposal would have a positive impact on the development of cultural resources and tourism by increasing home-ownership in a desirable area of the county that is in proximity to a number of state parks, creeks, and forests with an abundance of recreational opportunities and natural resources.

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.
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.
- 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.
- D. Assure clean air, clean water, a healthful environment and good community appearance.
- E. Support the development of natural resources including but not limited to timber, mining, oil, and gas production, and renewable 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: The proposed zone change is located adjacent to existing rural settlement and the subdivision was designed so major drainages, coulees, and areas near Belt Creek were left unsubdivided to maintain existing natural scenic beauty of the area. The property being considered for zone change has no forests for timber, no mining opportunity, and no oil/gas production. The zone change is not in area which is undergoing superfund or brownfield redevelopment/cleanup.

Staff: This property does not have forests, streams, or other natural resources that would be impacted by this proposed rezone and is not classified as either a Superfund or Brownfields site. This development would be adjacent to, and in proximity to existing residential development in the Ranches at Belt Creek subdivision, as well as residential development along Old Armington Highway, in support of objective C. The proposal to rezone from Agriculture to Residential will support objective D by ensuring that potential nuisance uses

allowable in the Agriculture district will no longer be permitted, and the covenants enforced by the Ranches at Belt Creek development will ensure that a good community appearance is maintained.

Goal 3: Maintain Agricultural Economy

Objectives:

- A. Protect the most productive soil types.
- B. Continue to protect soils against erosion.
- C. Protect the floodplain from non-agricultural development.
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant: Property in the area will have no adverse impact on productive soil types associated with agricultural operations and is not considered farmland of statewide importance. The zone change had no detrimental impact to the local value-added agricultural industry.

Staff: Staff finds that it is unlikely that this proposal will have a significant impact on the agricultural economy. The soils are not classified as farmland of statewide importance and it is not currently being farmed. Soil erosion has been addressed by a comprehensive grading and drainage plan that was approved by the Montana Department of Environmental Quality on January 28, 2008, known as a Certificate of Subdivision Approval (COSA). This proposal will have no impact on the floodplain, as it is not adjacent to or in any regulated Special Flood Hazard Area. This proposal will not support the development of value-added agricultural industry, but staff does not anticipate that this will have a significant detrimental impact on that objective either.

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.
- A. Promote the location of additional military missions in Cascade County.
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: The proposed zone change has no impact on the military presence in Cascade County, and is not relevant to this goal.

Staff: Staff concurs with the applicant's assessment that this proposal will have no impact on the military presence in Cascade County. This site is outside of the Height Military Overlay District and is over five miles away from any Launch Facilities or Missile Alert Facilities.

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.
- 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.
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

Applicant: The proposed zone change supports the County's goal in this regard by supporting the continuation of rural lifestyles that exist near the subject property. The zone change is not contrary o the preservation and promotion of the County's cultural heritage, natural resource development, and the preservation of archeological areas, see letter from historical society attached. The property considered for zone change does not have extreme fire hazard areas at the wild land/urban interface and the zone change is not contrary to educational programs and facilities, recreational opportunities and spaces, and health services for County residents.

Staff: This proposal largely supports Goal 5 of the Growth Policy. The rural and independent lifestyle afforded to the residents of the vicinity is not likely to be negatively impacted by additional low-density development. However, this proposal will allow development of property to a greater degree of density than what the current minimum lot sizes mandated by the Agricultural district allow (20 acres), reducing the impact of government regulations on a property owner's ability to subdivide land. Fire prevention and suppression systems are in place for the existing Ranches at Belt Creek subdivision that was built and certified for the full build-out of the development under the Cascade County Subdivision Regulations in 2008. However, staff does not anticipate that this proposal will have any impact on the

continued development of educational programs and facilities beyond additional tax-revenue for the Belt School District. Recreational opportunities and spaces and health services are also unlikely to see any impact beyond what additional tourism will provide. Additionally, the State Historic Preservation Office has not identified any site of historic or archaeological significance on this property.

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

Applicant: Yes, the zone change will meet all county requirements for fire protection, and includes a centralized water cistern for fire protection water supply. Similarly, the zone change is designed for safety from other dangers.

Staff: Staff concurs with the applicant's assessment. As mentioned in the previous section, fire suppression systems are already in place and have been certified for additional development. Additionally, a fire-risk rating analysis has been performed that identifies this area as a moderate wild land fire risk, which is mitigated by the fire suppression system.

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

Applicant: Yes no adverse impacts to public health, safety, general welfare will be created by the zone change.

Staff: Staff concurs with the applicant's assessment. A net positive impact may be seen with regards to this criteria by creating lower-intensity residential lots rather than allowing an intensive agricultural operation to proliferate on these parcels.

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

Applicant: Yes, the property for the proposed zone change has received a Certificate of Subdivision Approval from Montana Department of Environmental Quality, and meets requirements for schools and parkland by Cascade County.

Staff: Staff concurs with the applicant's assessment. Water and sewage have been addressed by the COSA, and the existing transportation system providing access to these lots was approved by the Planning Board and Commission at the onset of the subdivision development. This development has been exempted from parkland requirements based on the minimum size of the lots. While many of the properties developed as part of the Ranches at Belt Creek subdivision are only utilized as vacation homes, reducing the impact on schools, they will provide tax revenue to the school district regardless of occupancy.

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

Applicant: Yes, light and air will not be adversely impacted by the proposed zone change.

Staff: Staff concurs with the applicant's assessment. Minimum lot sizes and maximum lot coverage requirements will ensure that the provision of light and air will not be adversely impacted. The Rural Residential 5 zoning district is the largest of the exclusively residential zoning districts and as such will provide assurance that the density of development will be significantly less than what is seen in other developed areas of the county.

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

Applicant: Transportation systems are in place and have been improved upon with the completion of previous phases of the subdivision. The zone change will assist with increased maintenance and improvements of existing roadways.

Staff: The existing Rural Special Improvement District (RSID) in place for the Ranches at Belt Creek subdivision, as well as one that would be applied to any future development will provide more funds to maintain the roadways in that area.

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.

Applicant: The proposed zone change is compatible with growth around the town of Armington and Belt.

Staff: The towns of Armington, Belt and Raynesford are the closest towns to this development and between 5-15 minutes away from this proposed development. The growth patterns in Armington and Raynesford can be characterized as small, but tightly clustered residences with some business activity. Belt is noticeably larger and functions as an incorporated community with its own jurisdictional area. Growth outside of these areas tends to be ranchettes and sparsely developed residences and farm operations. The inclusion of an additional area of 5-20 acre lot residences would be consistent with existing development patterns along highways 87 and 89, Old Armington Highway, and other nearby rural subdivisions, such as Riceville Heights, approximately 7 miles to the south.

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

Applicant: The proposed zone change is adjacent to existing rural residential 5 and would not

create adverse impacts to the character of the district or suitability for peculiar uses.

Staff: 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 residential use will not be significantly different from the prevailing use to the west or north. It is unlikely that the undeveloped lands to the east or south would be detrimentally impacted by this proposed development. Although it will be of greater residential density, the intensity of other allowable potential uses on the Agricultural property adjacent may prove to be more detrimental to the proposed residential district than the residential would be to the agriculture. These land use issues have been known to happen in other areas of the county on the RR5 to A border. However, current land use is undeveloped on both these southern and western properties as is the property in question. Additionally, this is an extension of an existing district, and as such cannot be considered spot zoning.

The second factor is whether the area requested to be rezoned would be “rather small” in terms of the number of landowners benefitted by the requested zone change. The acreage of the parcels petitioning for the rezone (142.976 acres) is relatively large compared to other Rural Residential parcels to the north and residential properties to the west, but relatively small compared to the prevailing parcels to the south and east. Staff does not believe the second factor will be met based on the existing uses and parcel acreage to the north and west.

The third and final factor is whether the requested zone change would be in the nature of “special legislation” designed to benefit one or a few landowners at the expense of the surrounding landowners or the public. It is unlikely that surrounding property owners would see a decrease or increase in the value of their land by a residential development. When considering all the factors, planning staff is 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 and land.

Applicant: The zone change to rural residential 5 would be consistent with adjacent zoning of the previous phases of development.

Staff: Staff does not anticipate any impact to the value of buildings and land that may be impacted by this rezone.

Criteria #10, Must, as nearly as possible, be made compatible with the zoning ordinances of nearby municipalities.

Applicant: The property for the proposed zone change is approximately 5 miles from Belt, which is compatible with the proposed zoning change to rural residential 5.

Staff: The town of Belt, the nearest incorporated community, does not have zoning

ordinances.

CONCLUSION

Staff does not anticipate detrimental impacts to the county and finds that this proposal would allow for additional revenue and development that would benefit the county as a whole. This proposal does not constitute spot zoning and pending future subdivision is required to adhere to Cascade county subdivision standards, as well as conditions imposed by the Department of Environmental Quality. As such, staff is in favor of this proposal.

RECOMMENDATIONS

Two recommendations have been provided for your consideration:

Recommendation One:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Trophy Property Developers to rezone parcels #0005606400 and #0005217600 located in Sections 18 & 19, T. 18N., R. 7E., P.M.M., Cascade County, MT. from “A” Agricultural to “RR-5” Rural Residential 5, be **denied.**”

OR:

Recommendation Two:

“I move to recommend to the County Commission, after consideration of the staff report, that the zone change request of Trophy Property Developers to rezone parcels #0005606400 and #0005217600 located in Sections 18 & 19, T. 18N., R. 7E., P.M.M., Cascade County, MT. from “A” Agricultural to “RR-5” Rural Residential 5, be **approved.**”

Attachment:

- 1) Rezone application & Cover Letter
- 2) Vicinity Map
- 3) Section 7.1.1 & 7.2 of Cascade County Zoning Regulations