STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, June 25, 2020
9:00 a.m.
Via Zoom (an online platform, see public notice for link)

SUP #003-2020

Subject Property Information

Name of Applicant(s) & Owner(s): Ronald Mark & Cindy Lynn Erpelding
63 Gibson Flats Rd.
Great Falls, MT 59405

Legal Description: E ½ S33, T20N, R3E

Geo- Code(s): 02-3015-33-4-01-01-0000

Parcel Number(s): 0002505500

Existing Zoning: Suburban Residential (“SR-1”)

Requested Action: Approval of a Special Use Permit (“SUP”) to allow a second dwelling.

Surrounding Land Uses/Zoning: North: Residential/SR-1
South: Residential/RR-5
East: Residential/SR-2
West: Residential/SR-1

Current Land Use: Residential Use

Applicable Regulations: Cascade County Zoning Regulations (“CCZR”) §§ 17.3, 7.1.2.3(1), 7.1.1.3(1), & 10.

General Information:

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit Application from Ronald Mark & Cindy Lynn Erpelding to allow a second dwelling on their land at 269 Flood Rd., Great Falls, MT. The Applicant is requesting a SUP be granted as required by CCZR §§ 17.3, 7.1.2.3(1), and 7.1.1.3(1).
General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. 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.

A SUP may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the “Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10” within the respective zoning districts contained in Sections 7 or Section 8.1.5 hereof. After the public hearing is closed, the ZBOA can approve, deny, or approve with conditions the SUP. A separate SUP shall be required per each tract of land. The SUP fee shall be $450.00.

Expiration

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

Findings of Fact:

1. Ronald Mark & Cindy Lynn Erpelding are the legal owners of the property.

2. The property is in a SR-1 Zoned District. A second dwelling or two single-family homes are allowed in the SR-1 District with a SUP1.

3. The property is not known to be in violation of any CCZR or any other County Ordinance(s), and the county taxes are current.

4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on June 13, 2020 and June 20, 2020. As of writing this Staff Report, the Planning Department received one phone call from an unidentified, adjacent property owner who expressed concern about parking in the event the property was going to be used

1 CCZR § 7.1.2.3(1): Uses permitted upon issuance of a Special Use Permit (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts. CCZR § 7.1.1.3(1): Uses permitted upon issuance of a Special Use Permit (1) A second dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).
as a church. No other phone calls or written comments/concerns have been received at the time of writing this Staff Report.

5. A SUP may be revoked by the ZBOA at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the SUP was issued. A violation of a SUP will be handled as any other violation under CCZR § 13.

6. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.

7. Access to second dwelling unit will be through Applicant’s current driveway approach off Flood Road, a county road.

8. The South end of the property, adjacent to the Missouri River, is in the Federal Emergency Management Agency (FEMA) National Flood Hazard Layer (NFHL) zones AE and A. Zone AE is the base floodplain where base flood elevations are provided. Zone A are areas with 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. The Applicant’s proposed second dwelling is located outside of Zone A. Please refer to the Flood Data Map attached.

9. The proposed second dwelling will receive water from a private well and will be serviced by an on-site septic system.

Findings with Respect to the Analysis Criteria

The Planning Department provides that the following analysis, findings, and conclusion the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

2. The proposed development will not materially endanger the public health or safety.

Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches:

Applicant: N/A will not effect traffic, it’s in the South Eastern part of our 36 acres.
Staff: The Applicant has submitted a Location/Conformance Permit Application to build a cottage (first single-family dwelling) to reside in while building their main dwelling (second single-family dwelling). The two proposed dwellings are both single-family dwellings. The Planning Department does not anticipate additional traffic as a result of the addition of a second single-family dwelling on this parcel.

b. Provision of services and utilities including sewer, water, electrical, telecommunications, garbage collections, and fire protection.

*Applicant: We presently have sewer, electrical, and are working on water and others.*

Staff: The Planning Department anticipate there will be minimal effect on the utilities at, or around the proposed parcel. The property will be served by the Gore Hill Volunteer Fire Department, which were provided an Interested Agency Notice.

c. Soil erosion, sedimentation, and stormwater run-off.

*Applicant: With the small dwelling little to no impact.*

Staff: The Planning Department does not anticipate a significant amount of erosion and sedimentation. No surrounding water supplies will be affected. This proposal lies outside the Urbanized area that is considered part of the County Municipal Separate Storm Sewer System (MS4) jurisdiction.

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

*Applicant: Again can’t foresee any effect on surface or ground waters with this small [structure][.] [The] septic system is in compliance with wells in the area.*

Staff: The Planning Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits and approvals through the City-County Health Department. The Applicant was previously issued a Subsurface Wastewater Treatment System Permit # 070-18 for this property for a 1,500-gallon septic tank and effluent disposal field.
3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: This cottage will be in the general [vicinity] of the main dwelling building site, so I can’t see it (cottage) impacting the value of adjoining properties [especially] since it [adjoins] a subdivision to the East of the proposed building site.

Staff: The second dwelling is in conformance with the existing residential uses and character of the surrounding area.

b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as to justify it regardless of its impact on the value of adjoining property.

Applicant: Not necessarily for it’s not connected with the public but is necessary for us.

Staff: The proposed development is not necessary to public health, safety, and general welfare of the community, but the Planning Department anticipates the second dwelling will not have a negative impact on the value of adjoining property given the similar residential uses of surround properties.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Again [,] the subdivision to the East is comprised of 2 acre lots (23 [lots])? So is in harmony with all the building going on.
Staff: The Planning Department does not anticipate any conflicts with the surrounding residential uses with the addition of the second residential dwelling on the property. The subject property is 36.23 acres resulting in less density with the proposed second dwelling compared to the River Bend Estates Subdivision to the East.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

   a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

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

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: The building itself will generate purchasing building materials, [employ] plumbers, electricians, carpenters, [concrete], water well drilling, plus agriculturally will raise cattle [with] all that will contribute.

   Staff: The placement of a second dwelling will contribute to the employment of contractors and/or independent contractors for the initial construction and on-going maintenance and repairs thereafter.

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

   Applicant: Tax [base] will be increased with any building done [on] this property[.] Cattle that will be raised there will also be taxed.

   Staff: The placement of a second dwelling will not negatively impact the county’s tax base.
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, telecommunications, and youth/social services.

**Applicant:** Not a business development, except for [agricultural].

**Staff:** The placement of a second dwelling will not negatively impact business. Any further uses, other than a second dwelling, for this property will have to be reviewed for future permitting.

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

**Applicant:** N/A It’s a cottage mostly for private [use] or even guests (unless the guests are tourist).

**Staff:** The placement of a second dwelling will not negatively impact tourism or cultural resources.

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

**Applicant:** N/A Private dwelling.

**Staff:** The placement of a second dwelling will not negatively impact 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.

**Applicant:** N/A Not a business, just a cottage

**Staff:** The placement of a second dwelling will not negatively impact business.

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

**Applicant:** N/A my wife likes to shop, but just a cottage.
Staff: The placement of a second dwelling will not negatively impact business or local shopping.

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: N/A [economically] will support development for the short term in it’s [a] building.

Staff: The placement of a second dwelling will not negatively impact economic development efforts.

I. Encourage the growth of the agricultural economy.

Applicant: I do raise cattle. Some are very eye appealing—the [British] White, Belted [varieties].

Staff: The placement of a second dwelling will not negatively impact agricultural economy.

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

Applicant: I’ve [contemplated] putting up alternate energy sources.

Staff: Alternative energy sources have not been proposed for this second dwelling Special Use Permit Application.

GOAL 2: Protect and maintain Cascade County’s rural character and the community’s historic relationship with the 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: Building fence to keep things grazed down, yet keeping it as natural as it was.

Staff: The placement of a second dwelling will not negatively impact grazing areas, farmlands and forests. The low residential density will foster the continuation
of the land being used for agricultural purpose and preserve the natural beauty of the area.

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

Applicant: Many deer are found at any given time on this property.

Staff: The placement of a second dwelling will not negatively impact Cascade County’s scenic beauty.

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: On the West and North side of this Property would like to keep it as natural as possible even putting in cattle guards to minimize cross fencing.

Staff: The second dwelling will be located near existing residential properties.

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

Applicant: Yes, we’re all for that, putting in hours in cleaning up old fencing--barb wire etc.

Staff: The placement of a second dwelling will contribute to a 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.

Applicant: Yes, but none of these resources are at this time located on this property.

Staff: The placement of a second dwelling will not negatively impact on natural resource development.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.
Applicant: N/A because we’re not in the area described.

Staff: The placement of a second dwelling will not have any effect on Superfund and Brownfields process.

GOAL 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant: Grow hay on the [most] productive soil types, by the building sites grow trees, graze the poorer soil types.

Staff: The placement of a second dwelling will not directly impact productive soil types. According to the Journal of Critical Reviews in Plant Sciences, growing hay for multiple years can improve soil physical properties and soil organic matter.2

B. Continue to protect soils against erosion.

Applicant: Not to over graze

Staff: Cultivating hay on the property will help to protect against soil erosion.

C. Protect the floodplain from non-agricultural development.

Applicant: Yes, no plans to build [permanent] buildings

Staff: The Southern part of this property is in Flood Zones A and AE. Based on the site plan provided in the Special Use Permit Application, no structures will be built in the regulated flood zones.

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

Applicant: Again [], raise cattle with all their expenses and [assists]

Staff: The placement of a second dwelling will not negatively impact the agricultural industry.

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: Yes if applicable, vote for our delegation who supports it

   Staff: The placement of a second dwelling will not negatively affect military presence.

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

   Applicant: Yes if applicable, but not in area where the missions are presently located.

   Staff: The placement of a second dwelling will not negatively affect military presence.

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

   Applicant: Yes if applicable, still not close to the “runway” and its operations

   Staff: The placement of a second dwelling will not impact the runway at Malmstrom Air Force Base.

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

   Applicant: Not sure where there will be a conflict, not in area of joint use study

   Staff: The placement of a second dwelling will not negatively affect military presence.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County’s citizens.

Objectives:

A. Maintain Cascade County’s citizens 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: Yes, for this in obeying the laws, yet maintaining our independent lifestyle and minimizing local government intervention.

Staff: The placement of a second dwelling will likely have little to no impact on Cascade County’s citizens’ rural lifestyle.

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: Yes, but does not appear that I have any cultural/historic [archaeological] sites on this property.

Staff: The placement of a second dwelling will likely have little to no impact on Cascade County’s rich cultural heritage.

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

Applicant: Yes, fencing to promote grazing to eat off potential [flammable] grass [. Also cut for hay.

Staff: This property will be serviced by the Gore Hill Volunteer Fire Department and has an on-site well. The proposed use will not negatively or positively impact fire hazards in the area.

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

Applicant: N/A Yes, I’m thankful for all those services, but not sure how it relates to this project.

Staff: The placement of a second dwelling will not negatively impact continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: It’s good for the Growth policy in place.
Staff: The application will likely not have a negative impact on the municipal or joint land use plans.

Section 10.7 Operations

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: The Planning Department has found no cause to believe that a second dwelling on the property will be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than the operation or use of any principal or special use in the SR-1 District.

Motions:

The following motions are provided for the Board’s consideration:

A. Alternative 1: Move the Special Use Permit to allow the placement of a second dwelling at 269 Flood Rd, Great Falls, MT, referenced as Parcel # 0002505500, be denied due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or

B. Alternative 2: Move the Board to adopt the Staff Report and approve the Special Use Permit to allow the placement of a second dwelling at 269 Flood Rd, Great Falls, MT, referenced as Parcel # 0002505500 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.

2. The Applicant obtains approval from the City-County Health Department for a Subsurface Wastewater Treatment System.

3. The Applicant obtains addressing from the Cascade County GIS Department for E911 purposes.

Attachments:

- Special Use Permit Application & Site Plan
- Vicinity / Zoning/ Flood Data Map
- Applicable CCZR sections.

cc: Ronald Mark & Cindy Lynn Erpelding