

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, February 16, 2023
9:00 a.m.**

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers
& Via Zoom (see www.cascadecountymt.gov for more information)**

SUP #001-2023

SUBJECT PROPERTY INFORMATION	
Name of Applicants:	LHC Inc. PO Box 7338 Kalispell, MT 59904
Owner:	Maryann Hahn 278 Gordon Rd Vaughn, MT 59487
Legal Description:	Parcel 2 of C.O.S #5572, Section 31, Township 22 North, Range 01 East, PMM, Cascade County, MT
Geo-Code:	02-3254-31-3-01-03-0000
Parcel Number:	2021091
Existing Zoning:	Agricultural (A)
Requested Action:	Approval of a Special Use Permit to allow a quarry on the subject property.
Surrounding Land Uses/Zoning:	North: Residential & Vacant/ MU-20 & A South: Residential & Agricultural/MU-20 East: Agricultural/A West: Agricultural/Teton County
Current Land Use:	Vacant – Previously used as gravel pit
Applicable Regulations:	Sections 7.7.11(27), 8.1.5, & 10, of Cascade County Zoning Regulations (“CCZR”)

General Information:

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit (“SUP”) Application to allow for a quarry on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.7.11(27) CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits. Section 8.1.5 provides for addition supplemental regulations for natural resource extraction.

Montana Code Annotated § 76-2-209(3) states: “Zoning regulations adopted under this chapter and in effect prior to the filing of a permit application or at the time a written request is received for a preapplication meeting pursuant to 82-4-432 may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and may condition an operation that mixes concrete or batches asphalt in all zones other than residential.”

The property is not known to be in violation of the CCZR or any other County ordinances, and county taxes are current.

Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on February 5, 2022, and February 12, 2023, and were emailed to interested agencies and mailed to adjacent property owners, via certified mail, on January 27, 2023.

Findings with Respect to the SUP Analysis Criteria

The Planning & GIS Department provides that the following analysis, findings and conclusion for each of the required criteria provided under the controlling sections of the Zoning Regulations in the Findings of Fact and Conclusions for SUP #001-2023, incorporated by reference into this Staff Report and attached.



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: Based on the information provided in the application, the proposed use on the subject property will need to mitigate potential conflict by regulating the hours of operation, fencing the entire property to ensure that the general public does not wander onto the mining site, and controlling speed at which the vehicles travel to mitigate dust. With proper conditioning, the proposed use is not expected to be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights.

Motions:

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

- A. Move that Special Use Permits #001-2023 to allow a quarry on Parcel #2021091 be **denied** due to (*Board must make findings delineating the legal reason for denial*); or
- B. Move the Board to adopt the Staff Report in its entirety with Findings of Fact and Conclusions and **approve** Special Use Permits #001-2023 to allow a quarry with rock crushing, on Parcel #2021091, subject to the following conditions:
 1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.
 2. Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.
 3. Hours of operation must be limited to 7 a.m. to 5 p.m.
 4. In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of excavation.
 5. No cement plant, grinding, or polishing or cutting machinery, or other chemical process for treating the product of such quarry shall be permitted.
 6. In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (see MCA § 82-4-400, *et seq.*).

Attachments:

- Findings of Fact & Conclusions for SUP #001-2023
- Special Use Permit Application
- Vicinity & Zoning Maps
- Wildlife Distribution map
- CS-0005272
- Applicable Zoning Regulations
- Comment(s)

cc: Frank Tabish, LHC Inc., and Maryann Hahn