

Findings of Fact & Conclusions for Special Use Permit #001-2023

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

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| Standards Applicable to Special Uses (CCZR § 10.6) |
| A. The proposed development will not materially endanger the public health or safety |
| (1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches. |
| Applicant Response: The site will be operated intermittently to supply materials for highway projects. Haul route is a sparsely travelled county road. Additional signage will be placed at intersection of Gordon Rd & Frontage Rd. |
| Staff Analysis: The site appears to be accessed from a previously created “driveway”. Upon initial research of the property, an easement was not found for the subject property, as it crosses two other properties from Gordon Road, which is a county-maintained road. An interested agency notice was sent to the Cascade County Road and Bridge Division Supervisor, Rick Schutz, who had no comments. |
| (2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection. |
| Applicant Response: When site is active, portable toilets and garbage containers will be utilized. |
| Staff Analysis: A permit must be obtained from the City-County Health Department to allow the temporary portable toilets/holding tanks and may require a variance from the Board of Health depending on the intended duration of placement. At the time of writing this Finding of Fact, no comments have been made by the CCHD. Condition #2 has been imposed to require the applicant to obtain an approved Subsurface Wastewater Treatment System Permit for a portable toilet. |
| (3) Soil erosion, sedimentation, and storm water runoff. |
| Applicant Response: The site will drain internally. Topsoil will be stripped prior to operation. At the conclusion of operations, soil will be replaced and re-vegetated. |
| Staff Analysis: The soils that encompass the proposed mining site are not classified as prime farmland and are well drained. The property sits on top of a bench, and any stormwater runoff would likely run down towards the pit area since the pit sits far below the top of the bench after excavation. Any other run off would likely run down the south side of the property and flow into Michaelson Coulee that then feeds into Muddy Creek. |
| (4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater. |
| Applicant Response: Proposed mining depth is 3735 and site drains internally. Michaelson coulees is 2700’ south at 3523. The gravel deposit is on a bench. No adverse effects are likely. |

Findings of Fact & Conclusions for Special Use Permit #001-2023

Staff Analysis: The proposed project site does not have any actively flowing surface water on the property. A 0.5-mile buffer was run on the subject property, using GWIC¹ well data from the Montana Bureau of Mines and Geology, 6 active wells were discovered in the buffer area, with an average depth of 60 feet. However, due to the location of the pit below on the bench, and the relatively high ground it is likely the surrounding groundwater and wells will not be affected by the gravel pit operation.

B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.

(1) 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 Response:

The operation is well screened and recessed in the previously mined area. It is adjacent to an active gravel operation. The operation is necessary to provide materials for MDT project IM 15-6(46) 30, Power- N & S

Staff Analysis: The location of the gravel pit is adjacent to an operating gravel mining operation; however, there are residential uses within the area, the closest home being 0.2 miles away. The developer will utilize the previously used gravel site on the subject property that sits below the bench and uses natural topography to mitigate noise, vibrations, and dust. The trucks that are entering and or exiting the property will utilize the driveway near the property owner's home. The speed at which the trucks enter, and exit will be the mitigation factor for dust in the area. Condition #3 has been imposed to regulate the operating hours from 7 a.m. until 5 p.m. to mitigate much of the conflicts with residential uses.

(2) Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.

Applicant Response:

Project is necessary to provide materials for highway projects in the area. Other sources would be at a much greater distance & more disruptive. Site is adjacent to a permitted source and has been used in the past. Values should not be impacted.

Staff Analysis: This project is not so necessary to the public health, safety and general welfare of the community, or county. However, the proposed gravel pit will allow county, state, and federal roads within in the area to be maintained which has an impact on the safety of the community. This does not justify the use regardless to the impact on the value of adjoining property; however, the Planning Department does not anticipate a large impact to surrounding property values.

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

(1) 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 Response:

The proposed operation is a continuation of previously permitted operations. The operation is isolated and well screened. No conflicts are anticipated.

¹ [Montana's Ground Water Information Center 2023 \(mtech.edu\)](http://Montana's Ground Water Information Center 2023 (mtech.edu))

Findings of Fact & Conclusions for Special Use Permit #001-2023

Staff Analysis: The developer must utilize best management practices during the operation. Conditions #3-6 , have been identified to help mitigate the conflicts between the surround rural residences, and the proposed gravel operation including restriction on hours of operation during normal business hours, fencing around the excavation area, restrictions on types of activities that create nuisance, and reclamation requirements to restore the property.

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

(1) Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards.

Applicant Response:

The proposal is consistent with the plans and special uses 7.7.11(27).

Staff Analysis: The proposed use is consistent with the Cascade County Growth Policy. The area that is to be excavated is not removing prime farmland from the county and has little to no effect on the military operations of the county, other than road maintenance.

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 Response:

Provide materials for the necessary maintenance of I-15.

Staff Analysis: The road material will allow for maintenance of existing roads, which would, in turn, stimulate the retention of existing business as well-maintained roads could provide easy transport of goods for local business and possibly promote the growth of future business.

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

Applicant Response:

Utilize necessary natural resources to provide materials for highway work. The site will be fully reclaimed when the gravel has been extracted.

Staff Analysis: This use would utilize an area that is 25% gravelly loam, and 36% cobbly loam, which is used in the supply of gravel and road base mix. This use will sustainably use the natural resources provided in Cascade County.

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.

Findings of Fact & Conclusions for Special Use Permit #001-2023

Applicant Response:

Site is to support portable operations for mining and processing of gravel materials primarily, for highway projects.

Staff Analysis: The material that is extracted at this site could be used in infrastructure projects that promote and complement existing business. Being located adjacent to an existing gravel operation, and 4 miles from a previously used County gravel pit, the use is compatible with surrounding uses, and utilizes the available assets at the site.

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

Applicant Response:

Provide materials for highway maintenance.

Staff Analysis: Well-maintained roads, using the pit material extracted at the site, would allow for easier access to tourism locations that are accessible via MDT roads.

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

Applicant Response:

N/A

Staff Analysis: The Department does not anticipate that the proposed use will have any effect on entrepreneurship among the county's citizenries.

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 Response:

N/A

Staff Analysis: The proposed use is not anticipated to influence business support mechanisms.

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

Findings of Fact & Conclusions for Special Use Permit #001-2023

Applicant Response:

Provide materials for well-maintained roads.

Staff Analysis: Access to well-maintained roads would prove to be crucial in the local shopping and trade capture, as it will allow for safe transport of goods, and people into Great Falls, the economic center of Cascade County.

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 Response:

Provide materials for well-maintained roads.

Staff Analysis: The proposed use will utilize local available resources which maintain the local infrastructure, supporting the economic development of the region.

I. Encourage the growth of the agricultural economy.

Applicant Response:

Provide materials for well-maintained roads.

Staff Analysis: This use will encourage growth of the agricultural economy by maintaining the roads that are necessary with the shipping of goods from local agricultural producers.

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

Applicant Response:

N/A

Staff Analysis: The developer has not stated if they intend to use any alternate methods of energy production in their use.

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

Objectives:

Findings of Fact & Conclusions for Special Use Permit #001-2023

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 Response:

At the conclusion of operations, the site will be fully reclaimed and re-vegetated.

Staff Analysis: Per the requirements of the DEQ Open Cut Permit, the developer must reclaim the land upon completion of the gravel operation, returning the parcel back to its intrinsic natural beauty utilizing best management practices.

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

Applicant Response:

See "A"

Staff Analysis: The proposed gravel operation is located in a portion of the county that could mainly be used as rangeland, though, due to saline flats on the property, the parcel is not known to be prime land for agriculture. Thus, the use would preserve the forests, rangelands, streams, as well as the abundant wildlife and good fisheries. The area is within the historic distribution area for Sage Grouse, and the current distribution area for Pronghorn Antelope², but is not within the current range of the Sage Grouse. The developer is encouraged to use best management practices to mitigate any effects on wildlife, i.e., wildlife friendly fencing.

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 Response:

See "A"

Staff Analysis: This property is not located within a platted subdivision and would have conflicting interests with residential properties. There is a platted subdivision to the north, but is buffered by three larger parcels and the benchland area from those residential uses.

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

² Exhibit A – Wildlife distribution map, Montana Fish, Wildlife and Parks GIS Data

Findings of Fact & Conclusions for Special Use Permit #001-2023

Applicant Response:

Operations will be conducted per DEQ requirements and permitted as required.

Staff Analysis: The developer must follow the strict regulations set forth by the DEQ to maintain the clean air, clean water, and a healthful environment. Per the requirements of the DEQ Opencut mining permit, the site will need to be reclaimed upon the closure of the quarry operation. Condition #1 is required to obtain all permits and approvals to protect air, water, environment, and 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 Response:

Project is to utilize the natural resource (Gravel)

Staff Analysis: The proposed use will utilize existing gravel located on the property, effectively utilizing the abundant natural resources in the area.

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

Applicant Response:

N/A

Staff Analysis: The subject property is not known to be within a Superfund or Brownsfield site³.

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response:

Soil will be stripped then replaced and re-vegetated.

³ [Search for Superfund Sites Where You Live | US EPA](#)

Findings of Fact & Conclusions for Special Use Permit #001-2023

Staff Analysis: According to the USDA websoil survey the subject property is not known to be prime agricultural farmland⁴ and the soil types on the property are not suitable for agricultural.

B. *Continue to protect soils against erosion.*

Applicant Response:

Site will be re-vegetated and stable prior to release of DEQ opencut mining permit.

Staff Analysis: The soil types on the property are classified as well drained and should have little to no erosion on the property.

C. *Protect the floodplain from non-agricultural development.*

Applicant Response:

N/A

Staff Analysis: The subject property is in flood insurance Zone D an area not within the Regulated Flood Hazard Area according to FEMA FIRM Panel #30013C0275E⁵.

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

Applicant Response:

N/A

Staff Analysis: The proposed use may support the value-added agricultural industry by maintaining roads that would allow for the passage of agricultural goods.

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.***
- B. *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.***

⁴ [Web Soil Survey \(usda.gov\)](http://websoilsurvey.usda.gov)

⁵ FEMA FIRM Panel #30013C0275E [FEMA Flood Map Service Center | Welcome!](https://www.fema.gov/flood-map-service-center/welcome)

Findings of Fact & Conclusions for Special Use Permit #001-2023

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

Applicant Response:

Provide materials for a well-maintained road system.

Staff Analysis: The proposed use is not anticipated to have an effect on retaining the US Military in Cascade County. The proposed quarry is not located within 1,200 feet of a Missile Alert Facility or Launch Facility and is not within the 2,400-foot buffer area of a MAF or LF, restricting structure height to 50 feet, nor is the proposed quarry located in the Military Overlay District.

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 Response:

N/A

Staff Analysis: This proposed use shall have little to no effect on Cascade County's citizens independent 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 Response:

A file search with the State Historic Preservation Office was performed and based on previous studies there is a "low likelihood that cultural properties would be impacted, and a cultural resource inventory is unwarranted at this time."

Staff Analysis: According to the provided information from the applicant from SHPO, it was determined that this project site does not appear to be in a cultural heritage area or archeological area.

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

Applicant Response:

Active operations will be conducted in areas stripped to bare mineral soil. Special emphasis will be given as described above.

Findings of Fact & Conclusions for Special Use Permit #001-2023

Staff Analysis: The subject property is serviced by the Vaughn Volunteer Fire Department and is not located within the Wildland-Urban Interface, having a low fire risk, per the Dearborn FSA Fire Map⁶.

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

Applicant Response:

N/A

Staff Analysis: The proposed use is not likely to have an effect on educational programs and facilities, or recreational opportunities in Cascade County.

⁶ Dearborn FSA Map