

Findings of Fact & Conclusions for Special Use Permit #008-2023, #009-2023, #010-2023 & #011-2023

The Department provides the following analysis, findings and conclusions 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.

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: <i>Proposed development will not endanger public health or safety. Additional traffic will be at a very minimum, an additional one or two vehicles a day traveling along adjacent road.</i>
Staff Analysis: Proposed development will be accessed via internal subdivision road Copper Creek Lane. Copper Creek Lane can be accessed via internal roads: Granite Hill Lane, Stone Mill Lane, Silver Mine Lane and Rock Quarry Lane, all internal roads maintained by Foothills Ranch HOA. Foothills Ranch No. 4 Subdivision can be accessed via MDT maintained Highway 200/Highway 227. Addition of a eight vehicles a day traveling on these roads will not have a negative impact.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: <i>Proposed development will not affect services and all utilities are either on the property already, or will be installed, (well & Septic)</i>
Staff Analysis: New electrical, gas and telecommunications lines will need to be run to the properties. Septic and well will be utilized for sewer and water. Garbage collections and fire protection have all been addressed in the Final Plat for Foothills Ranch No. 4 Subdivision. Utility easements have been included on the Plat for installation and maintenance of utilities. Service providers have been given notice and an opportunity to comment on any adverse effects the addition of such utilities may cause. No comments were received at the time of writing this report. Proper addressing of each duplex will be needed to ensure timely emergency response services in the event of an emergency. Condition #2 has been proposed to mitigate this concern.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: <i>Proposed development will not effect the public health. We will not be changing grades to effect run-off or moving enough dirt to effect erosion.</i>
Staff Analysis: Storm water management plan to address soil erosion and sedimentation was submitted and approved as part of the Preliminary Plat Application for the subdivision.
(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: <i>Proposed development will have its own independent water supply approved by the DEQ and therefore will have no impact on surrounding private or public water supplies.</i>

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<p>Staff Analysis: Per the requirements for approval of a subdivision (Foothills Ranch No. 4) the developer did have to apply for and receive a Certificate of Subdivision Approval (COSA) from the Department of Environmental Quality (DEQ). The COSA requires the developer to submit lot layouts with the location of wells and septic systems to the DEQ for approval. Foothills Ranch No. 4 received an approved COSA on March 14th, 2023.</p>
<p>B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.</p>
<p>(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.</p>
<p>Applicant Response: <i>Each Townhome is a Single-Family dwelling unit in character with all surrounding homes.</i></p>
<p>Staff Analysis: The duplexes will be built in the Foothills Ranch No. 4 subdivision which does have an HOA that requires any new construction to submit building plans and designs to the HOA for approval. They will ensure the design of the new duplexes will follow the design standards of the HOA. Duplexes have been constructed in previous adjacent Foothills Ranch subdivisions and is in character with the surrounding area.</p>
<p>(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.</p>
<p>Applicant Response: <i>Proposed Development poses no risk to the public health & safety and general welfare.</i></p>
<p>Staff Analysis: Proposed development is not 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 to the value of adjoining property.</p>
<p>C. The proposed development will be in harmony with the area in which it is located.</p>
<p>(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.</p>
<p>Applicant Response: <i>Each townhome will be in the \$360,000 to \$395,000 value range. The designs and colors will be professionally designed to fit in with the surrounding developments. Proposed development should have a positive impact on surrounding properties</i></p>
<p>Staff Analysis: Foothills Ranch No. 4 does include in their proposed covenants an architectural committee and design standards to ensure all development is in character with the entire subdivision. There are duplexes in adjacent Foothills Ranch subdivisions and the proposed duplexes continue to be in harmony with the residential area.</p>
<p>D. The proposed development will be consistent with the Cascade County Growth Policy.</p>
<p>(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.</p>
<p>Applicant Response: <i>Proposed development is consistent with the current Growth Policy.</i></p>
<p>Staff Analysis: The proposed development is consistent with the Growth Policy and directly supports Goal 12 (Support effort to ensure residents of Cascade County have an opportunity to obtain safe, sanitary, and affordable housing)¹.</p>
<p>Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.</p>

¹ Cascade County Growth Policy [Currently-Adopted-Growth-Policy-PDF \(cascadecountymt.gov\)](https://www.cascadecountymt.gov/Current-Adopted-Growth-Policy-PDF)

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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: *There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.*

Staff Analysis: The proposed development would not directly support this goal.

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

Applicant Response: *There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all tax bases.*

Staff Analysis: The proposed development would not have an impact on this goal as the Applicant did not indicate whether any sustainable natural resources will be utilized in the construction of these duplexes.

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 Response: *Proposed development is not a business development.*

Staff Analysis: The proposed development would not have an impact on this goal.

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

Applicant Response: *Proposed development will have no impact on cultural resources. The construction and resulting Tax base will help with the counties economic base.*

Staff Analysis: The placement of each duplex will not negatively impact tourism or cultural resources.

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

Applicant Response: *Proposed development will help create more jobs for local contractors and subcontractors.*

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Staff Analysis: The proposed development would not have a direct impact on this goal. Local contractors and subcontractors may be utilized to support the local construction industry.

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: *There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.*

Staff Analysis: The placement of each duplex and will not negatively impact business support mechanisms.

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

Applicant Response: *There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.*

Staff Analysis: The placement of each duplex will not negatively impact business and could promote local shopping and new businesses growth.

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: *Proposed development will help to support economic development for Cascade County.*

Staff Analysis: The placement of each duplex will not negatively impact economic development efforts.

I. *Encourage the growth of the agricultural economy.*

Applicant Response: *Proposed development will not have an impact on the local agricultural economy.*

Staff Analysis: The placement of each duplex will not negatively impact the agricultural economy.

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

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Applicant Response: *Proposed development will be using energy methods supplied to the existing land.*

Staff Analysis: The Applications that were submitted do not indicate using wind energy or other alternate methods of energy production.

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 Response: *Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.*

Staff Analysis: According to the USDA Web Soil Survey, the subject Lots are considered farmland of statewide importance. The land went through subdivision review for residential use of the subject lots. With the small size of the lots, staff do not believe the placement of the duplexes will have a negative impact on existing grazing, farmlands, or forests.

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

Applicant Response: *Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.*

Staff Analysis: The density of residential development with duplexes would support this goal, but the development's proximity to Great Falls negates that as development from Great Falls continues to expand outside the City's boundaries.

- 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: *The design of Proposed development has been well thought out. There is a huge demand for new Townhomes in the city and county.*

Staff Analysis: Foothills Ranch No. 4 is located about 2.8 miles outside of the City of Great Falls to the west, in an area that has been developing residentially since the early 2000s. By providing more housing close to the proximity to the City of Great Falls, it prevents development of poorly designed subdivision pockets from occurring in more rural areas of the county that would have limited services and infrastructure.

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

Applicant Response: *Proposed development will not have an impact on the air or water. It will provide excellent community appearance.*

Staff Analysis: Each subject Lot with a proposed duplex has obtained a Certificate of Subdivision Approval from the Montana DEQ (E.Q. #21-1742) on March 14, 2023. The placement of each duplex will align with surrounding residential development based on the Design Plans.

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

Applicant Response: *Proposed development will not have an impact on natural resource development.*

Staff Analysis: The proposed development will not have a negative impact on this goal.

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: *Proposed development will not have an impact on any superfund or Brownfields properties.*

Staff Analysis: According to EPA Cleanups in my Community Map, properties are not located near a Superfund or Brownfields site².

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response: *Most productive soils will be saved and used for topsoil.*

Staff Analysis: According to the USDA web soil survey³ the entire property is Farmland of Statewide Importance. This development will negatively impact this goal.

² [Cleanups in My Community | Cleaning Up Our Land, Water and Air | US EPA](#)

³ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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B. Continue to protect soils against erosion.

Applicant Response: *All disturbed soils will be controlled and replanted with natural grass as soon as possible.*

Staff Analysis: The Developer of the Foothills Ranch No. 4 Subdivision obtained a General Storm Water Discharge Permit Associated with Construction Activity (#MTR110157) on April 26, 2023. However, if the Applicant disturbs more than one (1) acre, a separate General Discharge Permit Associated with Construction Activity may be required. Condition #1 has been proposed to address this..

C. Protect the floodplain from non-agricultural development.

Applicant Response: *Proposed development is not in the Floodplain.*

Staff Analysis: According to FEMA FIRM Panel #30013C0631E, the proposed projects are not in the Regulated Flood Hazard Area.

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

Applicant Response: Proposed development will not have an impact on the Agricultural Industry.

Staff Analysis: According to the USDA web soil survey⁴ the entire property is Farmland of Statewide Importance. This development will negatively impact this goal.

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

Applicant Response: *Proposed development will increase housing, which supports US military presence. Proposed development will not have an*

⁴ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

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impact on Malmstrom’s runway. Proposed development will not have conflicts with any mission compatible development.

Staff Analysis: The proposed projects will not negatively affect military presence. However, the placement of each duplex lies within the inner horizontal surface of the Military Overlay District in MOD-C where structures cannot exceed 150 feet in height to prevent interference with the runway. Condition #3 is proposed to ensure this requirement is satisfied. The Subject Properties are not within 2,400 feet of a Missile Alert Facility (MAF) or a Launch Facility (LF).

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: *Proposed development will increase housing, which supports the counties changing population.*

Staff Analysis: Each duplex 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 Response: *Proposed development will not have any negative effects on the county’s heritage or resources.*

Staff Analysis: The Subject Properties are not known to be cultural/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 Response: *Proposed development will be landscaped and irrigated, mitigating extreme fire hazards.*

Staff Analysis: The proposed duplexes will be in the Foothills Ranch Phase 4 subdivision which has an approved fire protection plan as a condition of approval for the subdivision. Per this plan, proper fire protection measures have been put in place in the subdivision to protect life and property from extreme fire hazards present at the wildland/urban interface. According to the Wild Land Risk and Hazard severity Assessment, the subdivision has a moderate hazard for fire. The Sand Coulee Fire Department services this area.

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

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Applicant Response: *Proposed development will create tax base, which in turn supports locate educational programs.*

Staff Analysis: The placement of each duplex will not negatively affect continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

(2) Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant Response: *Proposed development is consistent with current Growth Policy*

Staff Analysis: The proposed duplexes are consistent with the municipal and joint land use plans incorporated by the Growth Policy.