

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, May 18, 2023

9:00 a.m.

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

SUP #012-2023 & #013-2023

| SUBJECT PROPERTY INFORMATION | |
|-------------------------------|---|
| Name of Applicants | Drew Herrera HydroGeoLogic (HGL) 315 North 24 th Street, Lower Billings, MT 59101 |
| Property Owner | Montana Department of Environmental Quality PO Box 200901 Helena, MT 59620 |
| Legal Description(s): | Parcel A on COS #4482: W ½ of Section 26 and part of SE ¼ of Section 27, Township 19 North, Range 06 East, P.M.M. Cascade County MT Parcel B on COS #4482: W ½ of Section 26, Township 19 North, Range 06 East, P.M.M. Cascade County, MT |
| Geo-Code: | 02-2895-26-3-01-01-0000 |
| Parcel Number: | 5063500 |
| Existing Zoning: | Mixed-Use 20(MU-20) |
| Requested Action: | Approval of a Special Use Permit to allow a Major Utility Installation on the subject property. |
| Surrounding Land Uses/Zoning: | North: Residential & Agricultural/ MU-20 South: Agricultural/MU-20 East: Vacant & Residential/MU West: Agricultural/MU-20 |
| Current Land Use: | Vacant |
| Applicable Regulations: | Sections 7.6.11(48) & 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 major utility installation on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.6.11(48) of the CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits.

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 April 30, 2023, and May 7, 2023, and were mailed to adjacent property owners, via certified mail, on April 26, 2023 and emailed to interested agencies on April 25, 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 in the Findings of Fact and Conclusions for SUP #012-2023 & #013-2023, 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 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 #012-2023 & #013-2023 to allow a Major Utility Installation on the Subject Properties, namely on Parcel #5063500, 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 #012-2023 & #013-2023 to allow a



Major Utility Installation on the Subject Properties, namely on Parcel #5063500, 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. The Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to use or installation of any wastewater treatment system.
3. Applicant obtains addressing from the GIS Department for E911 purposes.

Attachments:

- Findings of Fact & Conclusions for SUP #012-2023 & #013-2023
- Special Use Permit Application
- Additional Materials submitted by the Engineer
- Sludge Disposal Trench Email
- SHPO Letter
- Vicinity & Zoning Maps
- CS-0004482
- Applicable Zoning Regulations
- Comment(s)

cc: Drew Herra, HGL
Bob Fleischer, DEQ
County Attorney's Office