

# Findings of Fact & Conclusions for Special Use Permit #012-2023 & #013-2023

The Planning & GIS Department provides 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.

<b>Standards Applicable to Special Uses (CCZR § 10.6)</b>
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.
<b>Applicant Response:</b> When in operation one (1) employee will be staffed at the Water Treatment (Parcel A) and may drive between the upper and lower site using highway 89. Once a month a semi will deliver hydrated lime (Parcel A). Traffic associated with the Water Treatment Plant is not expected to increase local Belt Traffic.
<b>Staff Analysis:</b> Parcel A, which will house the water treatment site, will be accessed off an existing approach from Highway 89. At the time of writing this report, no comments have been made by MDT regarding any approach permits or traffic issues. Parcel B will be accessed off of Anaconda Street, a county-maintained road. At the time of writing this report, the Cascade County Road and Bridge Department has not made any comments. The Applicant has estimated that there will be two employees working on site, who will likely drive to the site and may have to drive between the two parcels. It has also been estimated that there will be one (1) delivery truck arriving per month to Parcel A, off of Highway 89. This use is not anticipated to have an adverse impact on the traffic conditions within the vicinity.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
<b>Applicant Response:</b> Sewer will be managed by an onsite wastewater treatment system (septic system) (Parcel A). Public water will be supplied. Electrical, Internet, garbage collection, and fire protection will be supplied. Storm water pollution prevention plan (SWPPP) will remain in place until the project is completed.
<b>Staff Analysis:</b> The Applicant has obtained a SWPPP permit for the property. This permit will create a stormwater management plan for the property during construction. <b>Condition #1</b> has been proposed that the Applicant obtains any all other local, state, or federal permits. The Applicant has already applied for a City-County Subsurface Wastewater Treatment System Permit. However, <b>Condition #2</b> has been imposed to ensure that the permit is indeed obtained prior to any installation of septic systems and or before any land use permits are obtained. The Parcels will be serviced by the Belt Rural Volunteer Fire Department, safety will be provided by the Cascade County Sheriff's Department and local emergency services. The Applicant will have to contact the electrical and telecommunications providers to establish service once an address is obtained. <b>Condition #3</b> has been imposed to require the applicant to obtain an address for E911 purposes to ensure timely site location in the event of an emergency.
(3) Soil erosion, sedimentation, and storm water runoff.
<b>Applicant Response:</b> Soil erosion will be mitigated by use of vegetation and road maintenance. Storm run-off will be mitigated through adequate drainage design. At storm water permit was in place during the phase 1 site grading. Ground disturbance will be minimal for the next phase of the project.
<b>Staff Analysis:</b> The Applicant has shown on the Site Plan that there will be adequate drainage areas to alleviate stormwater runoff. The water

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will be diverted to the Castner Street and Anaconda Street culverts and drainage pipes and would flow down a diagonal ditch into Belt Creek. The topographic map that was provided shows that the water treatment plant, where the treated water is planned to be excreted back to Belt Creek sits on a bluff and utilizes existing drainage areas to allow the water to flow back to Belt Creek with out any substantial erosion and sedimentation. The pump house on Parcel B will be used for pumping the mine impacted water (MIW) up to the treatment plant by use of pipes.

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

**Applicant Response:** All storage ponds will be lined to prohibit leaking of contaminated water into the ground (Parcel A). An onsite wastewater treatment system will be used to treat residential strength wastewater originating from employee activity (Parcel A). Water Treatment Plant will be utilized to treat min-impacted water (MIW) that currently flows into Belt Creek from the Anaconda Adit.

**Staff Analysis:** The project site on Parcel A will have three retention ponds. There will be an influent equalization pond, an emergency retention pond, and a sludge disposal trench. These ponds will be lined to ensure that no seepage of MIW will reach any surface or groundwater without being treated. Further information on the sludge disposal trench be found within the attached email from the Applicant.

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 WTP will improve the character of development to surrounding uses and development by treating MIW that currently flows into Belt Creek. Currently, when the MIW goes into Belt Creek metals precipitate out causing iron staining. Treated clean water will be routed back into Belt Creek via a drainage ditch adjacent to CR 331.

**Staff Analysis:** The Applicant has stated that the majority of the noise that is produced by the pumps would be mitigated by housing these pumps within a structure. The structure sits roughly 270 feet above adjacent residential structures and will be utilizing stockpiled materials to berm the property to provide a buffer space. The water treatment plant is not anticipated to have a negative impact on the surrounding properties.

(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:** As stated above, MIW is currently straining and impacting Belt Creek, and has done so for almost 100 years. This project will likely increase the value of adjoining properties once MIW water is treated and not allowed to flow into Belt Creek.

**Staff Analysis:** The proposed water treatment facility is necessary to the public health, safety, and general welfare of the community and county to justify its impact on adjoining properties. The treatment of mine impacted water would have extremely positive impacts on the community of Belt, the adjoining residents and landowners, as well as Cascade County as a whole to help ensure a clean and healthful environment.

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.

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**Applicant Response:** The WTP will treat contaminated MIW from the Anaconda Adit and the French Coulee. This project will restore the harmony of Belt Creek by eliminating the low pH, iron laden, water that is currently flowing into Belt Creek. Questions about treatment can be addressed through education as a whole or by an individual when questions arise.

**Staff Analysis:** The proposed use differs from adjacent uses. The property is surrounded to the north, south and west, by either agricultural land or vacant properties. The properties mainly to the east are a mix between residential and vacant. The pump located on Parcel B off of Anaconda Street will be adjacent to many of the homes, where the actual treatment plant sits 270 feet up on a hill above the properties. The conflicts that would arise from this mix of land uses is noise. To mitigate noise the Applicant has proposed a concrete vault structure to house the pump and the treatment plant will be contained in a 55' x 100' steel building to contain the noise. There is no mounding or screening planned for Parcel B; however, the conflict of noise is not anticipated to be an issue due to the concrete structure housing the pump.

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:** Water Treatment is in line with all of the goals of the Growth Policy as clean water can improved economy, rural character, agricultural economy, the presence of the U.S. Military, and enhance a rural, friendly, and independent lifestyle currently enjoyed by Cascade County's citizens.

**Staff Analysis:** The proposed WTP aligns with the Cascade County Growth Policy.

**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:** Treatment of MIW will help retain businesses, help expansion of business, and help industry as a whole. Treatment of MIW allows for clean water that can be used for watering, recreation, proof that mining can exist in an environmentally friendly way, and for other industrial uses that require clean water for safe production.

**Staff Analysis:** The proposed use is not anticipated to impact the retention of business. Though the treatment of the MIW could positively impact the mining sector by allowing mining to continue to operate and treat the MIW, no mining operations have been planned within the proposed area and, therefore, this proposed use will not have an effect.

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

**Applicant Response:** MIW treatment can serve as an example of how natural resource mining is able to exist in an environmentally safe capacity. Bringing light to this situation could eventually open up development in areas thought to be contaminated or in areas of industry that previously were thought to be damaging.

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**Staff Analysis:** This proposed use will have little effect on stabilizing or diversifying 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 Response:** Clean water has the ability to increase potential for new business development by means of improved environment and water resources. For instance, recreation along Belt Creek will be improved once MIW is treated. Currently, MIW turns Belt Creek a dark chocolate milk color immediately downstream of the MIW. This project will eliminate that.

**Staff Analysis:** The proposed Water Treatment Plant's (WTP) would have its greatest impact on water recreation business opportunities within the proximity to Belt as the treated water would allow for citizens to utilize Belt Creek with a reduced risk of health impacts.

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

**Applicant Response:** Through increased recreation and improved environment, cultural resource and tourism can thrive. Currently, fish do not tend to live immediately downstream of the MIW discharge. This project will restore fisheries.

**Staff Analysis:** Tourism associated with fishing and water recreation will improve as the quality of Belt Creek's water improves.

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

**Applicant Response #012-2023 & #013-2023:** Clean streams allow for more opportunity through the community. Whether that be through recreation, agriculture, industry, or plant related operations, overall community opportunity will increase.

**Staff Analysis:** The proposed use is not anticipated to have an effect on entrepreneurship within Cascade County.

- 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:** The treatment plant will help contribute to a healthy environment, a primary goal of business roundtable. Remediation of the MIW will show that the community of Belt is thriving and will reinforce potential to further develop the community.

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

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

**Applicant Response:** Clean streams can attract businesses and local commerce. Pristine environments are favorable to public activity. Fishing is very popular in Montana and this project will restore Belt Creek's pristine fisheries.

**Staff Analysis:** The proposed use is not anticipated to have an effect on or improve local trade capture.

***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:** By creating jobs in maintenance, construction, and operation of the WTP, the plant will support economic growth locally and statewide. Whenever possible local resources will be utilized to further strengthen the local economy and state economy.

**Staff Analysis:** The WTP is likely to have little to no impact on economic development efforts, post construction. The plant will create two jobs and if expanded would support economic development efforts.

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

**Applicant Response:** Clean streams can directly contribute to the agricultural economy by providing clean water for agricultural purposes.

**Staff Analysis:** The treatment of the MIW would encourage growth of the agricultural economy by providing clean non-toxic water that would be used for irrigation.

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

**Applicant Response:** Use of solar power for the WTP operations is continually being evaluated for feasibility. As cost for equipment reduces and battery storage technology improves, a second phase to install a solar array could be implemented which could require additional staffing to operate.

**Staff Analysis:** This proposed land use does not list any alternate methods of energy production.

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**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:** The sites involved with this project will be maintained to promote local ecology and habitat, incorporating local agriculture interest of the area. A small portion of land will be required for the building and parking areas that were previously used for grazing. However, this is a small price to pay to restore Belt Creek to its pristine condition. In the past, a local producer has been able to cut hay on the property. It is the project's goal to continue this practice, as practical.

**Staff Analysis:** The proposed use does not have an impact on agriculture or forestry's economic contribution.

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

**Applicant Response:** Treatment of MIW that flows into Belt Creek will directly improve the health of Belt Creek and the ecology/habitat of Belt Creek. Clean Water promotes the environment and agriculture.

**Staff Analysis:** The proposed use fulfills the goal of preserving Cascade County's scenic beauty by removing toxic metals from Belt Creek, preserving aquatic and terrestrial wildlife.

- 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:** Providing clean water for Belt Creek will influence further residential development and rural development of the surrounding areas. Clean water is an important aspect for the public and is a large selling point in the common era.

**Staff Analysis:** This development is located adjacent to the Town of Belt. This fulfills the goal of locating development near existing settlements.

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

**Applicant Response:** Water will be treated, processes will not adversely affect air quality, and the environment will be improved through conscious maintenance, care, and design.

**Staff Analysis:** The proposed WTP would directly promote the goal of clean water as this use would rid water returning to Belt Creek from any toxic metals that would damage the riparian and aquatic habitats.

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

**Applicant Response:** Treatment of MIW can help exemplify how mining activities can be conducted in an environmentally friendly way. When development of natural resources can be shown to be able to operate in an environmentally friendly way, funding and backing can become possible.

**Staff Analysis:** This proposed use does not directly support any natural resource extraction. It ultimately rectifies issues that were created by the mining industry and lack of advancement in water protection efforts at the time the mining operations began. The effectiveness of the WTP could promote the mining industry though, if they are indeed able to produce precious metals without disrupting the environment.

***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:** This project is funded and carried out by Montana DEQ's AML division and is a brownfield process.

**Staff Analysis:** The subject property is within a Brownsfield site<sup>1</sup>. The proposed project would assist the DEQ in the remediation of the Brownsfield site effectively removing the property from the program.

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<sup>1</sup> [Brownfields | US EPA](#)

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### ***Goal 3: Maintain Agricultural economy***

#### ***A. Protect the most productive soil types.***

**Applicant Response:** Water treatment will improve soil quality around Belt Creek. The WTP design will keep the footprint to a minimum to preserve as much natural habitat as possible.

**Staff Analysis:** An area of interest (AOI) was derived off the USDA Websoil Survey<sup>2</sup> that turned up results showing that the subject property has Fairfield Clay Loam soil located in the development area. This soil type is classified as farmland of statewide importance. The development would take the majority of this soil out of agricultural production; however, the applicant has stated that the project's goal is to maintain an area that would still be in agricultural production.

#### ***B. Continue to protect soils against erosion.***

**Applicant Response:** Erosion control will be implemented during construction and after construction through means of road maintenance, rip rap, vegetation, and other various methods and BMPS.

**Staff Analysis:** The development area is not anticipated to have a multitude of erosion. The applicant has proposed means to fortify the drainages from erosion from the effluent discharge.

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

**Applicant Response:** No construction is planned within the floodplain.

**Staff Analysis:** The project location is located outside of the Regulated Flood Hazard Area<sup>3</sup> according to FIRM Panels #30013C0693E and #30013C0700E.

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

**Applicant Response:** Local products will be utilized whenever possible. Clean water will benefit agricultural activity. It is a major focus of the DEQ to support local business, agriculture, industry, and growth.

<sup>2</sup> [Web Soil Survey \(usda.gov\)](http://websoilsurvey.sc.egov.usda.gov)

<sup>3</sup> [FEMA's National Flood Hazard Layer \(NFHL\) Viewer \(arcgis.com\)](https://arcgis.com)



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**Staff Analysis:** The proposed use will have little to no effect on the value-added 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.*
- 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:** (A) Improving the environment within Cascade County is an excellent reason for the federal congressional delegation to extend their mission status. Pristine environments are favorable to government and the public as a whole. (B) Improving the environment in Belt opens possibilities of additional military missions in Cascade County. Sites. That may have once been deemed polluted will become clean, allowing for more options when it comes to adding additional locations. (C) This project does not have a negative impact on the reactivation of the runway. (D) The water treatment plant is located on state owned land and does not impede mission compatible development.

**Staff Analysis:** The project location is outside of the Military Overlay District, and is not located within 1,200 or 2,400 feet of a Missile Alert Facility or Launch Facility.

**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:** The WTP will be operated through funds from Montana DEQ and potentially staffed by City of Belt employees.

**Staff Analysis:** The proposed use will have little to no effect on Cascade County's citizens independent 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:** Treatment of MIW will help to bring awareness of environmentally friendly practices related to mining and in turn help preserve resource development within the county and state.

**Staff Analysis:** The project location does indeed have a cultural resource that is eligible for the National Register of Historic Places; however, the Montana Historical Society has deemed that the proposed use would have no adverse effect on the historic property.

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***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:** The WTP will use plant water for fire mitigation and will have vegetation cleared around the building. After The WTP is built MDEQ and HGL will meet with Belt Volunteer Fire Department to get their recommendations.

**Staff Analysis:** The project location is not located within the Wildland-Urban Interface and is deemed low risk. The subject property is serviced by the Belt Rural Volunteer Fire Department.

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

**Applicant Response:** Providing a major utility facility for the county will improve quality of life within the area. Water treatment directly improved overall health and well-being for all county residents.

**Staff Analysis:** The proposed use is not anticipated to have an effect on education programs or facilities, and health services. It will have a positive impact on recreational opportunities with Belt Creek.