

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, October 29, 2020
9:00 a.m.**

**SUP #009-2020
SUP #010-2020**

Subject Property Information

Applicant Name: Bixler Properties, LLC
Applicant Address: 3650 5th Ave S
Great Falls, MT 59405
Owner Name: Geraldine Acres, LLC
Subject Property *Legal Description:* SW ¼ of S35 Less SE ¼ of SW ¼, T20 N, R01 E
Geocode: 02-3013-35-3-01-01-0000
Parcel No.: 0005919400
Zoning: Agricultural (AG)
Land Use: Undeveloped

Surrounding Land Uses & Zoning All surrounding properties are zoned AG and are undeveloped.

Requested Action: Approval of Special Use Permits 009-2020 & 010-2020 to allow General Sales and a Comercial Butcher at the subject property.

Applicable Regulations: Sections 7.1.2.3(1) and 7.1.1.3(4) and Section 10 Cascade County Zoning Regulations (“CCZR” or “Regulations”)

General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of two (2) Special Use Permit (“SUP”) Applications from Bixler Properties, LLC to allow General Sales and a Comercial Butcher at the subject property previously described. The Applicant is requesting that the SUPs be granted as required by Section 7.2.4(11)¹ and 7.2.4(25)² of the CCZR.

¹ CCZR § 7.2.4(11): General Sales, including Agricultural Sales, Auction Sales, Convenience Sales, Shopping Center, Specialty Sales.

² CCZR § 7.2.4(25): Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A SUP may be issued only upon meeting all requirements in these Regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the ZBOA can approve, deny, or approve with conditions the SUP. A separate SUP shall be required per each tract of land. The SUP fee shall be \$450.00.

Expiration

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the ZBOA approval.

The SUP shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the ZBOA prior to the date of expiration.

Findings of Fact:

1. The property is in the Agricultural ("AG") Zoning District. The proposed General Sales and Commercial Butcher are allowed in the AG District with the approval of a SUP.
2. Geraldine Acres, LLC is the legal owner of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance.
4. The taxes on Parcel# 0005919400 are current as of October 13, 2020.
4. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on October 11, 2020, and October 18, 2020. As of writing this Staff Report, the Planning Department has received one written comment(s)/concern(s).
5. A SUP may be revoked by the ZBOA at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the SUP was issued.

residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

A violation of a SUP is a zoning violation under Section 13 of these Regulations pursuant to Section 10.11 of the CCZR.

6. Appeals of the ZBOA decision shall follow the process outlined in Section 12 of the CCZR.
7. The property consists of 120 acres, the Applicant will be applying for an Approach Permit from the Cascade County Road and Bridge Division off for an approach off of West Ulm Road, a county road.
8. The property is not located within a Military Overlay District.

Findings with Respect to the Analysis Criteria

The Planning Department provides the following analysis, findings for each of the required criteria and conclusions provided under the controlling sections of the Cascade County Zoning Regulations.

1. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: As shown on the attached exhibits, the property is adjacent to W. Ulm Road R/W and is located approximately 2.25 miles west of the Town of Ulm as shown within the Cascade County zoning map book. Traffic to/from the site will be via W. Ulm Road. It is anticipated that the majority of the traffic entering Ulm will be from Interstate 15 in addition to a small portion utilizing the Ulm North Frontage Road.

The average daily traffic (ADT) near the site as measured in 2017 is 456 vehicles per day within the Town of Ulm and 72 vehicles per day west of Ulm. These counts were measured on W. Ulm Road. The estimated southbound interstate exit ADT (per MDT's 2019 estimates) is 688 vehicle trips while the northbound interstate exit ADT is 219 vehicle trips. Per the MDT, Interstate 15 ADT is estimated as 7,045 trips per day.

The proposed processing facility is estimated to generate additional traffic as follows (Note: vehicle trips are counted as 2 per person/vehicle to include incoming and outgoing traffic impacts):

- Staffing/employees: Ten (10) vehicle trips per day (Initial Startup @ 5 employees)

- o Twenty-four (24) vehicle trips per day (Full capacity @ 12 employees)
- Animal Import: Eight (8) vehicle trips per day (Initial Startup @ 20 animals/week)
- o Twenty (20) vehicle trips per day (Full Capacity @ 50 animals/week)
- Retail customers: Assume equal to animal delivery + 4 vehicle trips per day for minimal storefront customers (12 trips/day @ startup & 24 trips per day @ full capacity)
- Finished Animal Export: As retail customer traffic generation includes a pickup event for each animal delivered for processing, it is not anticipated that animal export by the Butcher Block will generate additional traffic beyond what is currently included. Bulk import and export of more than 1 animal within a trip will reduce anticipated traffic generation.
- Solid Waste Pickup: Assume six (6) trips per week (3 scheduled trash pickup events per week)
- Misc. Material Delivery: Assume six (6) trips per week (Production Supplies, packaging, etc.)

Daily Traffic Generation Summary

Traffic Generation Activity	ADT @ Initial Build	ADT @ Full Capacity
Staff/Employees	10	24
Animal Import for Processing	8	20
Retail Customers (Meat Pickup & General Retail)	12	24
Finished Animal Export	N/A	N/A
Solid Waste Pickup	1	2
Misc. Material Delivery	1	2
Total	32	72

As detailed above, the development is anticipated to generate between 32 and 72 vehicle trips per day, a 16% increase over the current ADT within W. Ulm Road at full capacity.

Peak daily traffic impacts are expected to occur just prior to and after work shifts, generating approximately twelve (12) additional vehicle trips between 6:00 and 7:00 a.m. and again between 4:00 and 5:00 p.m. Vehicles will enter and exit the facility from Ulm.

The Cascade County Road & Bridge Department will require an approach permit to connect the facility approach to W. Ulm Road and may require a traffic impact study (TIS) for the purpose of identifying any/all requirements for mitigating traffic impacts. The TIS will be completed by a Montana-licensed professional engineer with the appropriate qualifications and experience, if necessary. A draft approach permit application is attached to this application; however, final approach design will require coordination with the Road & Bridge Department to ensure adequate drainage is maintained within the existing ditches as well as accommodate design traffic anticipated at the site.

The Cascade County Zoning Regulations permit a wide range of uses in the Agricultural Zoning District, including many that generate significant amounts of traffic such as campgrounds and recreational vehicle parks, commercial dairies, power plants, and community centers. Additionally, an event wider variety of land uses which generate significant levels of traffic are allowed via a special use permit, including quarries, veterinary clinics, mobile home parks, equipment rental and sales facilities, hospitals, and many others. Therefore, the Zoning Regulations anticipate and accommodate land uses generating traffic volumes similar to what is proposed as part of this SUP.

It is anticipated that the proposed facility will create an additional amount of traffic that can easily be handled by W. Ulm Road without affecting its level of service. Turning movements in and out of the facility will be controlled within a new County-approved approach. It is also anticipated that the existing W. Ulm Road and Ulm Vaught Road paved intersection will be acceptable for continued use. The amount of traffic generated by the site is consistent with both permitted land uses and those allowed and anticipated by the zoning regulations and will to have a material, negative effect on traffic conditions.

Staff: After review of the extensive information submitted, Conditions #3 & #4 are proposed to mitigate any traffic condition concerns in the vicinity by ensuring the Applicant performs any analysis needed and obtains the necessary approach permit(s) from the Cascade County Road & Bridge Division.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: The propose facility will be served by onsite public water and wastewater facilities. Wastewater treatment will be completed onsite using Montana DEQ-approved wastewater treatment system(s). Commonly practiced treatment technologies will be used for managing both domestic and process waste streams. Wastewater treatment will likely include a standard septic system with grease interceptor for primary wastewater treatment with advanced secondary treatment prior to disposal within a subsurface drainfield. Additionally, waste generate during initial slaughter will be captured and disposed with the offal to eliminate it from the waste stream.

Water for the facility operations and domestic usage will be supplied to the facility via an onsite well with transmission piping to the building. The water and wastewater systems for the site must be reviewed and approved by the Montana DEQ. Fire protection is not anticipated ot be required for the building per applicable State Building Codes. The site is located within the Ulm #13 fire district and will be served by the Ulm Volunteer Fire Department.

Natural gas service is likely not feasible for the property due to the cost of service extension and it is therefore anticipated that onsite liquid propane will be utilized. Telecommunications will likely be provided by Charter or

CenturyLink through a new service line to the proposed development. The applicants are also considering the use of wind turbines an/or solar panels for the generation of supplemental electrical power as well as the use of intermediate water heating devices in the event financial feasibility is realized. Solid waste collection is anticipated to be completed by Republic Services (formerly Montana Waste) which serves the current facility.

Staff: The subject property is located within the Ulm Volunteer Fire Department's district. Interested Agency notifications were mailed out on October 8, 2020. No comments have been received as of writing this report. Condition #5 will require the Applicant to obtain any necessary permits from the City/County Health Department and the Montana Department of Environmental Quality ("MDEQ").

c. Soil erosion and sedimentation.

Applicant: Construction and development of the proposed facility will include the construction of new buildings, gravel-surfaced parking and storage areas, wastewater treatment and disposal facilities, and related items. This construction is consistent with permitted land uses in the Agricultural Zoning District. In the short-term, during construction, there will be an increased possibility of soil erosion and stormwater run-off consistent with typical construction activities. Traditional erosion and sediment control best management practices (BMPs) will be utilized during construction which will include but are not limited to silt fences, straw waddles, and storm water detention and retention ponds.

As the site disturbance will be over 1 acre, a DEQ "General Permit for Storm Water Discharges Associated with Construction Activity" permit will be required and will address and mitigate soil erosion and sedimentation during construction. This permitting process will involve the submission of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to DEQ. Additionally, the SWPPP will need to be updated and maintained throughout the course of the project. Upon completion of work and after final site stabilization has been completed, a Notice of Termination (NOT) will be submitted to DEQ, at which time the permit will officially terminated. BMP's suggested by the DEQ will be utilized throughout construction to maintain water quality and minimize soil erosion. Following construction, stormwater runoff will be collected within onsite detention and retention/treatment basins and discharged at predevelopment rates in strict accordance with DEQ Circular 8.

As detailed within the NRCS Soils Report, soils at the proposed facility are generally described by NRCS as Absher-Nobe complex (0%-5% slopes) and Assiniboine-Absher complex (0%-2% slopes) and Benz clay loam (0%-2% slopes). These soils predominantly consist of clay loam and sandy clay loams and are considered erodible. BMP's selected during and after construction will be installed and maintained to minimize the erosion potential for the native soils.

Upon completion of construction, there are no anticipated significant impacts for erosion, sedimentation, and stormwater runoff. Impacts will be consistent with an increase in impervious surfaces; however, these impacts will be mitigated using appropriate BMPs, storm water detention, and other applicable regulatory requirements. Revegetation of disturbed areas combined with proper storm water collection and detention as required by the DEQ's storm water permit will minimize impacts to the site. Additionally, water leaving the site will be properly treated (i.e. sediment removal) and flows will be maintained at predevelopment rates.

Staff: The subject property consists of 120 acres. With the two proposed structures and the fact that over one (1) acre will be disturbed, the Applicant will be required to obtain all necessary permits required by the City-County Health Department and the MDEQ.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant : As detailed within the attached Groundwater Information Center mapping, there are no public, community, or private water supplies on the property. There are a variety of private wells in the vicinity of the subject property primarily serving individual homes and agricultural operations. The only well within one mile of the facility is GWIC 125734 which is approximately 0.9 miles from the proposed facility.

The proposed facility will require domestic and process water with estimated volumes of between 750 gpd at initial startup and 1,875 gpd at full capacity, which equates to 0.60 & 1.50 acre-feet/year respectively. The facility is anticipated to target the Madison Aquifer for water supply and it has been demonstrated that the Madison formation can easily satisfy these volumes. The depth to the Madison formation at this location is estimated to be approximately 825 feet bgs (below ground surface) and the aquifer is estimated to be approximately 500 feet in thickness based on the nearby well log. A well contractor will be employed to construct a test well and provide test pumping (as part of the DEQ public water supply permitting) to demonstrate adequate supply for the facility as well as document potential impacts, if any, on neighboring wells. As shown, the proposed facility is anticipated to require approximately 1.5 ac-ft/yr of water for operation, which is well within the limit of 10 ac-ft/yr for an exempt well.

A new public water supply will then be constructed to serve the development. Well construction and protection requirements of DEQ Circulars 1 & 3 and the Administrative Rules of Montana will be strictly adhered to so as to protect the new public water supply and groundwater within the general vicinity of the project.

Surface waters in the vicinity of the project will be protected by maintaining effective runoff collection and conveyance systems to direct stormwater to onsite retention and detention ponds where it can be detained and treated prior to discharge. Discharge will be restricted to predevelopment rates.

All wastewater treatment and disposal will be designed such that they are safeguarded against impacts to local groundwater and surface water by utilizing best management practices to avoid leaks and spills. Additionally, all setback distances as required by the Montana DEQ will be strictly maintained between water supply wells and potential hazards so as to limit contamination potential.

Staff: According to the Application, a new public water supply will be constructed for the development. The closest well to the facility is 0.9 miles away from the proposed facility. The Applicant will need to obtain all permits required by the City/County Health Department and MDEQ. No comments were provided by the City-County Health Department as of the writing of this report.

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

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Land uses in the vicinity primarily consist of large-scale agricultural operations. The proposed meat processing facility will be located more than one mile from any existing dwelling or agricultural buildings. Possible conflicts are expected to be minimal, but could include additional traffic, visual changes (additional buildings, minimal night-time lighting), and some noise generally consistent with currently permitted livestock operations. Additionally, the Butcher Block facility design team will utilize building buffering features to help mitigate noise and visual impacts whenever possible.

The proposed development is agriculturally based and thereby complements existing uses of the surrounding properties. Additionally, the facility's location was selected to maximize the distance from existing residences to reduce the potential impacts to neighboring properties. Visual impacts can be mitigated by implementing exterior lighting technologies to direct lighting downward to reduce or eliminate glare and offsite lighting "pollution." Traffic has been addressed previously in this document.

Permitted land uses in the Agricultural zoning district have the potential to create similar conflicts. Agricultural operations, by their nature, tend to generate dust and odors associated with tilling, planting, harvesting, and the use of chemicals. Additionally, permitted livestock operations will generate similar impacts from odors, dust generation, and noise impacts to those anticipated by the proposed development. The proposed facility's impacts will be similar to those land uses already permitted by the zoning district and can be mitigated using readily available measures.

Staff: The proposed structures and uses are similar to the surrounding land use of large scale agriculture. The Applicant has addressed the

additional traffic that could be generated as well as stated that they will utilize buffering features to minimize noise and visual impacts when possible. Attached is a buffer map showing there is no residences within one (1) mile of the proposed facility site. No conflicts are anticipated and no public comments in opposition have been received as of writing this report.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: This consideration is an alternative to the previous one and need not be met. This consideration exists to allow approval of a special use permit in the rare instance that a proposed land use is so important that its impacts should be accommodated. The developer is not making such a claim with respect to its proposed processing facility.

All development allowed by the zoning district regulations, whether as a permitted use or as one requiring a special use permit, creates some level of impact. This is expected and appropriate. All potential impacts created by the proposed facility can and will be appropriately mitigated and minimized such that there will be no appreciable impact on public health, safety, and the general welfare of the community or County. Additionally, the facility will also provide some benefits via increased tax base and the addition of jobs for area residents and will utilize livestock that is produced in and around Cascade County and throughout northcentral Montana, benefiting local producers.

Staff: No negative impacts on the value of adjoining properties are expected due to the proposed building conforming with the surrounding land uses. If the applicant meets the requirements and receives approval of all required permits, any issues with the public health, safety, and general welfare of the community should be mitigated.

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

Considerations:

- a. 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: Land uses in the vicinity primarily consist of large-scale agricultural operations. As noted on Montana Cadastral (refer to Appendix D), the surrounding area is comprised of agriculturally zoned properties with areas of animal grazing, fallow land, and wild hay. As shown, some surrounding properties contain single-family residential dwellings; however, the residences exceed the required 1-mile setback requirement.

The proposed project consists of a meat processing facility and the developer acknowledges that the facility itself is different than land uses in the immediate vicinity; however, the facility is agriculturally based and the direct

use is permitted with a special use permit. The manufacturing, processing and storage components of the facility are specifically contemplated by the zoning district regulations and as required by the County's zoning regulations, no buildings or operations will be located within one mile of existing residences. This one-mile+ buffer will help mitigate any perceived conflicts with the existing residences and maintain compatible land uses with the other surrounding properties. Large portions of the property outside of the proposed development will remain in agricultural production which is consistent with and in harmony with adjacent land uses.

Staff: The proposed structure and uses are comparable in intensity with surrounding land uses and are agriculturally based and confined to a small part of a 120-acre property. The general sales will be of the meat that is processed at the facility. No conflicts are anticipated and no public comments have been received.

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

Considerations:

- a. Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Applicant: The proposed project is located outside of the boundaries of the Malmstrom AF Base and its associated vertical obstruction zones. Additionally, the proposed project area is not within the Military Affected Areas (MAA) associated with launch/missile alert facilities I-10 & I-03 as shown on Figure 4.2- 2 of the JLUS document. As the project will not impact the military planning areas detailed within the JLUS document, the project is considered consistent with the plan.

Additionally, the potential implementation of wind turbines for renewable energy generation will be coordinated with the FAA, Cascade County, and MAFB as needed to maintain consistency with planning efforts completed by all agencies.

Staff: The proposed Commercial Butcher facility and General Sales is consistent with the Growth Policy.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention 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: The proposed project will allow for an existing Cascade County business to relocate and expand in order to provide additional employment opportunities while expanding the ability to meet increasing meat processing demands of local residents and businesses. This expansion and retention of an existing business directly meets the Cascade County Growth Policy goal. Additionally, the project is directly related to the

agriculture industry in the region and will allow area residents and businesses an opportunity to have their livestock processed locally.

Staff: The proposal will have a positive impact as a current agricultural business will be expanding to a location where they can provide more services on one site at a larger quantity. The proposal will support local agriculture by keeping the industry and the products local to support our local economy and will contribute to a more sustainable agricultural economy and work force. Meat distributions will be improved by utilizing direct-to-consumer and direct-to-retailer distribution methods.

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

Applicant: As noted above, the proposed project will increase the County's tax base with the implementation of this project. Additionally, implementation of the project will allow local producers a local facility for meat processing which will decrease shipping costs and the associated environmental impacts from long-haul trucking of livestock. This availability for local meat processing will allow area farmers and ranchers to realize more efficient use of their current grazing lands while reducing weight and profit loss due to shipping, further enhancing the goals of the County's growth policy.

As noted previously, the applicant is researching the possibility of incorporating wind turbines and/or solar energy to utilize sustainable resources and offset some of the energy requirements for the site.

Staff: The proposal will generate tax revenue by expanding the business. The proposal also gives local farmers and ranchers a local resource to use for their operations.

- 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: The proposed business is agriculturally-based which complements the existing primary land use of area residents and maintains compatibility with the surrounding area and County as a whole. The business will also utilize livestock provided by area residents which will help strengthen the local economy as well as utilize available assets from local producers.

Staff: The proposal is expanding an existing business that complements and supports other existing businesses around Cascade County including other agricultural operations and local consumers.

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

Applicant: The proposed development has the potential to help develop tourism and cultural resources within the County as the added taxes collected from the development are put into beneficial use. Given the facility's location on currently vacant land, it is anticipated it will have no impact on cultural resources or existing tourism opportunities. Additionally,

the Montana State Historic Preservation Office (SHPO) was contacted regarding the project and no previously recorded cultural resource sites were noted within the property. Refer to the attached letter from Damon Murdo with SHPO for additional information (Appendix E).

Staff: The proposal would not directly impact the development of cultural resources or tourism.

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

Applicant: The proposed project has the potential to stimulate additional agriculture business ventures as existing and new businesses realize the expanded business opportunities associated with the USDA- permitted plant for potential value-added opportunities. The addition of the Butcher Block facility to the local economy will allow local retailers and businesses to market local livestock with more competitive processing fees due to reduced shipping costs associated with local processing. As noted within Appendix E and as detailed within this application, the applicants have received commitment letters from existing livestock operations in the region, showing support for the project.

Staff: The proposal could positively impact and stimulate well-planned entrepreneurship among the county's citizenry by expanding as a local resource for other businesses in 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: While the proposed development will not directly impact the local chamber of commerce, the implementation of a local USDA-permitted meat processing facility will allow local business development organizations to market the area for additional value-added business opportunities that can utilize the facility to encourage further economic development beyond the plant. As shown within Appendix E, local producers and businesses have expressed support for the project for this very reason.

Staff: The proposal supports Goal 1 (F). The Application material contains eleven (11) letters of support for the proposed business from locals that would use the facility for processing their livestock.

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

Applicant: As indicated within this application, the proposed project is anticipated to employ approximately 7 additional persons beyond current staffing levels. The projected influx of workers and their families will have a positive economic impact on the community and County including supporting existing businesses. Additionally as noted above, the implementation of the project will provide existing local businesses and producers a location for local livestock delivery and processing which will improve agriculture opportunities in the region.

Staff: The proposal has the opportunity to create employment as well as serve as a resource for businesses and producers to have their livestock delivered and

processed locally saving other local businesses and producers operation costs while adding to the tax revenue in 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: See previous responses.

Staff: The proposal will give Cascade County an expanded local resource that could possibly be used by other counties and could positively impact the networking or support of economic development efforts in the region.

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

Applicant: The proposed project is being developed to directly support and expand local livestock operations as well as commercial operations secondary to the processing of meat products. As shown in Appendix E, the project is supported by local producers and businesses which shows a commitment by the developer to include area producers within their business plan to encourage further growth of the economy.

Staff: The proposal is for the expansion of an agricultural business. The Application materials include eleven (11) supporting letters from other agricultural operations in the area showing interest. The proposal functions to provide a local link between local producers and consumers and may help facilitate and encourage regional pride and strengthening community ties. When locally processed food is available to local consumers, it helps keep money within the community that assists in diversifying the local economy.

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

Applicant: The project developers are currently reviewing the feasibility of incorporating alternative energy generation within the overall development plan. Where possible, alternative energy consisting of wind energy, solar energy, and energy efficient development will be incorporated into the project.

Staff: The Applicant is considering alternative methods of energy generation and will incorporate it if a feasible method is found. If not, this proposal will not negatively impact the economy by not incorporating the use of 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: The proposed facility will only encompass approximately 4 acres± of the overall 120 acre agriculturally-zoned parcel. This reduced development footprint will allow the remainder of the parcel to remain in agricultural use following the project. Additionally, the project is agriculturally based and therefore fosters the continuance of ag activities in the region.

Staff: The subject property consists of 120-acres with the proposed facility being confined to a small portion of that (around 4 acres). The rest of approximately 16 acres will be used for agricultural purposes.

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

Applicant: The property at which the proposed project will occur is currently vacant agricultural ground which will be maintained to the greatest extent possible following the development. Available land following the project development can continue to be utilized for farming activities to preserve the existing land use. No streams, existing fisheries, or forests will be impacted by the proposed project.

Staff: The addition of the facility on a 120-acre parcel will have minimal impact on Goal 2 (B).

- 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: As noted above, the project is agriculturally based and the developed parcel will house the proposed structures, wastewater treatment and water supply systems. As detailed within the Cascade County Zoning Regulations, the proposed facility is required to maintain a minimum buffer of 1 mile from existing residences, making development within an existing town unacceptable. As noted above, the proposed project will only utilize approximately 4 acres of the overall 120 acres of available property, allowing a large majority of the open space to remain as such. The development is being designed by a team of trained professionals who specialize in developments of subdivisions and facilities of this nature.

Staff: The proposed facility would be located approximately two (2) miles west of the town of Ulm. The proposed use is agricultural in nature and is required to be at least one (1) mile from existing residences.³

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

Applicant: The design firms retained for the facility have been tasked with creating a functional site and facility design while utilizing strategic placement of buildings to take minimize impacts to the existing environmental and minimize impacts to existing roadway

³ CCZR § 7.2.4(25): Commercial propagation, boarding, grazing, or butchering of animals and fowl provided that the animals may not be stabled or processed within one (1) mile from any adjacent residences. The adjacent residences must be residences that are present prior to the date of receiving the application for this use. The operation can be used as a wholesale feed lot, meat packing plant, slaughterhouse, rendering plant, and the like.

improvements. The development plan will include design measures directly targeted at mitigating odors, noise and light pollution and will include separate, refrigerated offal storage to minimize odor generation. The DEQ permitting associated with the proposed public water and public wastewater systems will ensure clean surface and subsurface water is maintained during construction as well as after the facility is in full operation. Note, noise and odor generation for the proposed project will not differ substantially from allowable livestock operations onsite.

Staff: According to the Application materials and the Applicant's responses they are looking into design features to mitigate any potential issues regarding the appearance of the facility. The Applicant will be required to obtain all necessary permits from the City/County Health Department as well as MDEQ. The City/County Health Department has not submitted comments or concerns regarding this project. Further, a locally sourced meat processing facility will reduce local producers' costs for shipping over long distances for processing, which will reduce gas and gas emissions associated with transportation. The retail sale of the meat processed on site will also help offset potential environmental impacts created by the demand and necessity for nation-wide food shipments.

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

Applicant: While the project will not directly support development of timber, mining or oil & gas production, renewable energy options are being considered for the property if and when deemed feasible.

Staff: The proposed land use is not expected to support the development of natural resources.

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

Applicant: The project is not located in an area undergoing Superfund or Brownfield processes.

Staff: The location of the proposal is neither a Superfund nor Brownfield site.

GOAL 3: Maintain Agricultural economy

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

Applicant: Refer to the attached NRCS soil report. As shown on the soil report, all portions of the property associated with the proposed development are considered "Not Prime Farmland" which directly meets the applicable zoning goal. Additionally, as noted above, a large portion of the site will remain open space following development of the proposed facility. Encouraging further utilization of existing farm and rangeland.

Staff: Referencing the NRCS Soil Report in Appendix E of the Application materials (and online⁴), the portion of the property proposed to be developed is not considered prime farmland of statewide importance.

B. Continue to protect soils against erosion.

Applicant: During construction activities, the site will be required to meet Montana DEQ standards for erosion protection through the general construction storm water permitting process. A storm water pollution prevention plan (SWPPP) will be prepared by properly trained and certified personnel, and temporary Best Management Practices (BMPs) will be implemented onsite to minimize erosion during the course of construction and to prevent adverse impacts to receiving waters (i.e. Missouri River).

Following construction, permanent BMPs will be implemented so as to minimize erosion on slopes within the steeper portions of the property while agricultural activities will remain on other open space. All disturbed areas within the proposed development will be stabilized via gravel surfacing or will be planted to grass following development to satisfy the requirements of the DEQ Storm Water Permit as well continue to protect soils against erosion.

Staff: The Applicant will be required to meet all construction standards pertaining to necessary permits.

C. Protect the floodplain from non-agricultural development

Applicant: The proposed project is located outside of the FEMA floodplain boundaries as detailed within FIRM Panel 30013C0575E. Work activities will not occur within an active streambed or within a floodplain.

Staff: The property is not located within the regulatory floodplain.

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

Applicant: As noted previously, the intent of the proposed project is to develop a meat processing facility that utilizes livestock from area producers which directly supports the development of a value-added agriculture industry. Additionally, meat products will be produced onsite which utilize the processed livestock which also supports the development of value-added agriculture.

Staff: The proposed facility would have positive impacts on the development of value-added agricultural industry in Cascade County by utilizing the products from the regional area.

⁴ <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

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.*

Applicant: While the proposed development will not directly impact the US Military's operations in Cascade County, the applicant recognizes the importance of the current military missions and their impact on the local economy. As noted previously, the proposed facility will not impact the existing or future US Military operations within Cascade County and is in compliance with the JLUS document.

B. *Promote the location of additional military missions in Cascade County.*

Applicant: The applicant hereby pledges its support to Cascade County in promoting additional military missions in Cascade County. Also, please see response to Goal 4 Objective A above.

C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*

Applicant: The applicant hereby pledges its support to Cascade County in reactivating the runway at MAFB for fixed wing operations. Also, please see response to Goal 4 Objective A above.

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

Applicant: The proposed project is located outside of the boundaries of the Malmstrom AF Base and its associated vertical obstruction zones. Additionally, the proposed project area is not within the Military Affected Areas (MAA) associated with launch/missile alert facilities I-10 & I-03 as shown on Figure 4.2-2 of the JLUS document. As the project will not impact the military planning areas detailed within the JLUS document, the project is considered consistent with the plan.

Staff: The proposed Commercial Butcher facility will have no impacts on the mission at Malmstrom AFB. The property is located outside of all Military Overlay Districts and the nearest missile launch facility is approximately five (5) miles away.

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: The proposed project will not impact the County's citizens' independent lifestyle and will not require local governmental intervention.

Staff: The proposal will not have an impact on Cascade County's citizens' independent lifestyle or local governmental intervention.

- 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: The Montana State Historical Society (SHPO) was contacted regarding potential cultural resources at the proposed project site and their response stated that no cultural resources were located within their files for the property. Per the SHPO response letter, "Based on previous ground disturbance in the proposed project area we feel that there is a low likelihood cultural properties will be impacted. We, therefore, feel that a recommendation for a cultural resource inventory is unwarranted at this time.

However, should structures need to be altered or if cultural materials be inadvertently discovered during this project, we would ask that our office be contacted, and the site investigated." As no existing structures are located on the subject property, it is anticipated that no cultural heritage sites will be impacted by the proposed project. The proposed project consists of a small-scale meat processing facility that utilizes local livestock raised by area residents which promotes the continued agricultural lifestyle and cultural heritage of our region.

Staff: The proposal will not impact Cascade County's cultural heritage. Referencing Appendix E of the Application materials, the Montana State Historical Society letter states they have no record of cultural resources located on the property.

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

Applicant: The proposed project will have minimal impacts on the County's existing fire prevention measures as it is proposed to be completed directly adjacent to an existing County road. As noted above, the site will be served by the Ulm Volunteer Fire Department existing Fire Chief Karsten Hovland. The proposed facility includes parking and gravel surfacing on the western portion of the developed site in order to incorporate a fire prevention buffer on the west side of the building due to prevailing winds in the area as discussed with and recommended by Mr. Hovland.

Staff: According to the Community Fire Plan Wildland-Urban Interface Map, the subject property is not within the boundaries of the Wildland Urban Interface and is a low-risk terrain/fuel hazard. The property is located within the Ulm Volunteer Fire Department's District.

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

Applicant: While the project will not directly impact the development of educational programs and facilities, recreational opportunities and spaces, and health services, it will help the County continue to develop those programs and opportunities for the

County's residents through the added tax base and the additional budget available through the collection of those taxes.

Staff: The proposal would have no impact on the development of education programs, recreational opportunities, or spaces and health services.

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: The proposal will meet the one (1) mile buffer zone requirement that will mitigate potential conflicts with any residential uses. The proposal also incorporates shielded lighting to reduce light pollution in the vicinity of the facility.

Motions:

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

- A. Alternative 1: Move the Special Use Permit #009-2020 to allow the use of General Sales on the subject property be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the Staff Report and Findings of Fact, and **approve** the Special Use Permit #009-2020 to allow the use of General Sales on the subject property subject to the following conditions:
 - 1. The Applicant obtains any other required county, state, or federal permits and complies with regulations associated with any other permits.
 - 2. The Applicant obtains an address from the Cascade County GIS Department.
 - 3. The Applicant obtains the necessary approach permit(s) from the Cascade County Road & Bridge Division.
 - 4. The Applicant performs a Traffic Impact Study if required by the Cascade County Road & Bridge Division.
 - 5. The Applicant obtains any necessary permits required by the City/County Health Department and/or the Montana Department of Environmental Quality.
- A. Alternative 1: Move the Special Use Permit #010-2020 to allow a Commercial Butcher on the subject property be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the Staff Report and Findings of Fact, and **approve** the Special Use Permit #010-2020 to allow a Commercial Butcher on the subject property subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and complies with regulations associated with any other permits.
2. The Applicant obtains an address from the Cascade County GIS Department.
3. The Applicant obtains the necessary approach permit(s) from the Cascade County Road & Bridge Division.
4. The Applicant performs a Traffic Impact Study if required by the Cascade County Road & Bridge Division.
5. The Applicant obtains any necessary permits required by the City/County Health Department and/or the Montana Department of Environmental Quality.

Attachments:

- Special Use Permit Application Packet, Vicinity map showing the 1-mile buffer, Applicable Cascade County Zoning Regulations

cc: Geraldine Acres, LLC & Bixler Properties, LLC