

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, October 29, 2020
9:00 a.m.**

Via Zoom (an online platform, see public notice for link)

**SUP #011-2020
VR #2020-003**

Subject Property Information

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| Name of Applicant(s) & Owner(s): | Todd J. & Alena O. Standley 1125 River Road Cascade, MT 59421 |
| Legal Description: | SE ¼ NE ¼ S29, T19N, R2E |
| Geo- Code(s): | 02-2891-29-1-04-01-0000 |
| Parcel Number(s): | 0003801575 |
| Existing Zoning: | Agricultural (“A”) |
| Requested Action: | Approval of a Special Use Permit (“SUP”) to allow the use of a Commercial Butcher and Variance. |
| Surrounding Land Uses/Zoning: | North: Agricultural /A South: Agricultural /A East: Agricultural /A West: Agricultural /A |
| Current Land Use: | Residential Use |
| Applicable Regulations: | Cascade County Zoning Regulations (“CCZR”) §§ 7.2.4(25), 9.5 & 10. |

General Information:

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit and Variance Application from Todd and Alena Standley for their property located at 1125 River Road, Cascade, MT 59421. The Special Use Permit Application is for the use of a Commercial Butcher and the Variance Application is to waive part of the requirement of Cascade County Zoning Regulations § 7.2.4 (25), which reads “animals may not be stabled or processed

within one (1) mile from any adjacent residences”. The Applicant is requesting a SUP and a Variance be granted as required by CCZR §§ 7.2.4(25), 9.5, & 10.

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 Sections 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 Zoning Board of Adjustment 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. Todd J. & Alena O. Standley are the legal owners of the property and currently reside on the property.
2. The property is in the A Zoned District. The use of a “Commercial Butcher” is allowed in the A District with a SUP¹.
3. There are five (5) residential dwellings located within one (1) mile of the proposed Commercial Butcher facility. They range from approximately 370 feet to .99 miles away from the proposed facility.

¹ CCZR § 7.2.4 (25): Use permitted upon issuance of a Special Use Permit: “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”.

4. The Applicant has applied for a Variance to waive part of the requirement of Cascade County Zoning Regulations § 7.2.4 (25), which reads “animals may not be stabled or processed within one (1) mile from any adjacent residences”.
5. The property is not known to be in violation of any CCZR or any other County Ordinance(s), and the county taxes are current.
6. Legal Notice of the Applications and the public hearing was published in the Great Falls Tribune on October 18, 2020 and October 25, 2020.
7. 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. A violation of a SUP will be handled as any other violation under CCZR § 13.
8. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.
9. Access to the “Commercial Butcher” facility will be through the Applicant’s current driveway approach off River Road, a county-maintained road.
10. The proposed “Commercial Butcher” facility will receive water from a private well and will be serviced by an on-site septic system.
11. The property is not located within a Military Overlay District.
12. The property is not located in a regulated flood zone.

I. Findings with Respect to the SUP Analysis Criteria

The Planning Department provides that the following analysis, findings, and conclusion 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 approaches:

Applicant: This project is not a threat to public health or safety. Additional traffic will be very minimum and limited to 1-2 additional vehicles in the area on one day per week.

Staff: The access for the proposed facility will be off River Road. This road is a gravel county-maintained road. According to the Applicant's Use Statement Form, livestock will be delivered one day prior to slaughter between the hours of 12 PM to 6 PM by a one (1) ton pickup truck. The expected number of customers or visitors will be an average of one (1) per day and a maximum of five (5) per day between the hours of 6 AM to 6 PM. The current number of employees is one (1). The Applicant plans on having a total of two (2) employees in the future. The Applicant will need to obtain the necessary approach permit(s) from Cascade County Road & Bridge Division.

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

Applicant: This project will utilize owner's utilities already on the property including well and garbage. Upgrades to electrical services will be made through the power company and the contractor will install necessary septic, including two separate systems for domestic and animal waste.

Staff: The property will be served by the Ulm Volunteer Fire Department, which were provided an Interested Agency Notice on October 14, 2020. No comments have been received as of writing this report. The Applicant will need to obtain any necessary permits from the City/County Health Department and the Montana Department of Environmental Quality ("MDEQ").

- c. Soil erosion, sedimentation, and stormwater run-off.

Applicant: This project is being built in a manner that will not affect publics (neighboring ranches) health. The proposed building will not impact the grades impacting run-off or changing dirt enough to effect soil erosion.

Staff: The Proposed structure is 3,025 square feet. One (1) acre of land is not anticipated to be disturbed. The Planning Department does not anticipate a significant amount of erosion and sedimentation. This proposal lies outside the urbanized area that is considered part of the County Municipal Separate Storm Sewer System (MS4) jurisdiction.

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

Applicant: This project will utilize an existing well on our private property and not affect neighboring water supplies. This project is [in] coordination with DEQ and their standards for protecting water.

Staff: The Applicant stated in the Use Statement Form that “500-600 gallons of water per day will be utilized from our personal well. Primarily for cleaning.” The Planning Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits and approvals through 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 is a public necessity or will not substantially impact the value of adjoining property.

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: Slaughter and butcher facilities are overwhelmed and demand is high for more of this type of business. Our property is very rural and neighboring property owners are at one mile or more from our property and have indicated support for the business. Many neighbors will utilize our business for their own butcher needs.

Staff: The surrounding area of the proposed facility is zoned Agricultural. There are five (5) dwellings that are within the one (1) mile buffer of the proposed commercial butcher facility. One is located on the subject property approximately 370 feet from the proposed facility where the Applicant owns and reside. A variance to waive this one (1) mile buffer has been applied for. All property owners with dwellings within the one (1) mile buffer received a notice of public hearing and letter regarding the October 29, 2020 ZBOA meeting via certified mail.

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

Applicant: Proposed facility is in extreme high demand and will not affect value of adjoining property.

Staff: The adjoining properties to this proposed facility location consist of two (2) parcels which are zoned Agricultural. Other than the residence located on the subject property and occupied by the Applicant, the proposed facility conforms with the adjoining properties land uses. If the Applicant meets the requirements, receives variance approval 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: This type of business is recognized as a [necessity] in rural Montana and valuable to ranchers with livestock. Our building will be clean, attractively built and maintained to [coincide] with our personal dwelling in the area.

Staff: The proposed structure and uses are agriculturally based. If the proposed variance is approved, then no conflicts are anticipated. 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.

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: Neighboring and state-wide, our peers have indicated a need for more butcher facilities. This project boosts access to processing as well as an additional retail business for the industry. We will contribute to a sustainable ag economy by completing a portion of the cycle of livestock and equipment sales, feed sales, and retail purchase of meat.

Staff: The proposed facility will have a positive impact on the local agricultural industry. This project will support local agriculture by keeping the industry and the products local to support our local economy. Meat distributions will be improved by utilizing direct-to-consumer distribution methods.

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

Applicant: The need for this business is high and this business will support tax bases.

Staff: The proposed facility will generate tax revenue and will give 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: As an agriculture business, this will complement the current ag industry well and we will not only support area ranchers by providing a necessary service, but be able to retail a high-end meat supply to customers. We will also be supporting local ag and supply stores and drawing customers, state-wide to our area where they will shop and dine in our town.

Staff: The proposed facility complements and supports existing businesses, agricultural operations, and local consumers.

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

Applicant: This project supports Cascade County's agriculture heritage and rural economy. It will contribute to the economic base in several ways as listed above. The need for quality butchering is not [restricted] culturally.

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

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

Applicant: We are excited to add a business of this type and our facility will be built to be able to expand into a state licensed facility. We can process animals for other meat retailers and support local entrepreneurship as more people turn to locally-sourced business opportunities. We can work with individuals, businesses, restaurants, schools, etc.

Staff: The proposed facility could positively impact and stimulate well-planned entrepreneurship among the county's citizenry by being 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: Noted above, this business is a great example of a strong, local, essential business. We hope to utilize the support of the chamber, and are already working with the Cascade County rural development office and other organizations.

Staff: The proposed facility would positively impact Cascade County's local business environment.

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

Applicant: *Stated in section C. We not only attract business for our own but would draw customers who need processing to the area from ranches across the state. This will boost local economy. Access to a local butcher also supports more meat retail opportunities.*

Staff: *The proposed facility would encourage local trade and local shopping within the 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: *This project supports other butcher facilities to process animals that are killed at state and federal facilities. This will also allow retail meat businesses from across the state more processing options.*

Staff: *The proposed facility would have a positive effect on economic development efforts.*

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

Applicant: *This business is a direct positive impact on the [agricultural] industry by increasing livestock processing capacity.*

Staff: *The proposed facility is part of the Cascade County agricultural industry and would directly encourage its growth.*

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

Applicant: *Do not have current plans or financial resources for alternative energy.*

Staff: *Alternative energy sources have not been proposed for this facility.*

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: This project supports a sustainable agriculture industry with livestock used for grazing needs- both forest and plains, the livestock industry depends on the crops grown for feed and the industry works in harmony.

Staff: The proposed facility will encourage and positively effect the continuance of agriculture and forestry in Cascade County.

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

Applicant: This building will complement the scenery well and opportunities are present for composting waste and contributing to soil health. The livestock industry as a whole is a great tool for conservation.

Staff: With the scale of this facility, a negative impact on Cascade County's scenic beauty is not anticipated.

- 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: This building will be on private property, located near our personal dwelling.

Staff: The proposed facility is located on a 20-acre parcel of land in the Agricultural District.

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

Applicant: No impact on air or water. Building will be attractive and support the community appearance.

Staff: To ensure there will be no impact on air or water, 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.

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

Applicant: We will be processing livestock and will not be developing natural resources.

Staff: The proposed facility will not negatively impact natural resource development.

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

Applicant: We do not have any property that requires redevelopment. All property is and has been farm ground or pasture.

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

GOAL 3: Maintain Agricultural economy

- A. Protect the most productive soil types.

Applicant: The location for this building will be on soil on our property with limited grazing use currently.

Staff: According to the NRCS Web Soil Survey Map generated on the USDA government website², there are no prime farmland soils located on the subject property.

- B. Continue to protect soils against erosion.

Applicant: Property will be constructed in a sustainable manner and will not impact soil erosion.

Staff: One (1) acre of land is not anticipated to be disturbed during the construction process. The Applicant will be required to meet all construction standards, including obtaining any and all necessary permits.

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

² <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Applicant: This will not affect the floodplain.

Staff: The subject property is located in a non-regulated floodplain area, Zone X and D.

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

Applicant: This is a value-added business for the agricultural industry that will provide necessary processing for livestock producers in the region and a value-added retail business by selling meat and meat products.

Staff: The proposed facility will positively impact the agricultural industry within Cascade County by offering local agricultural options.

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: No impact anticipated as it does not apply to my business.

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

Applicant: No impact anticipated as it does not apply to my business.

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

Applicant: No impact anticipated as it does not apply to my business.

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

Applicant: No impact anticipated as it does not apply to my business.

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.

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: This business provides a service and a resource for locally-raised meat, positively affecting the population.

Staff: The proposed facility will support and strengthen local producers that will in effect help to preserve and enhance the rural, friendly and independent lifestyles enjoyed by the County’s citizens.

- 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: Agriculture is a vital part of Cascade County's heritage and this business ensures ranchers can continue to live that historic lifestyle.

Staff: The proposed facility would not have a negative impact on Cascade County’s cultural/historical sites and 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: Fire prevention is always a priority issue on the ranch we live on and will continue to be with this new project. This business is not an increased fire risk, however.

Staff: The property is located within the Ulm Volunteer Fire Department’s District. According to the Community Fire

Plan Wildland-Urban Interface Map, the subject property is within the boundaries of the Wildland Urban Interface and is a low-risk terrain/fuel hazard

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

Applicant: This business opens an opportunity for teaching the art of butchery and encouraging others to consider this industry. It does not have a direct impact on recreational spaces or health services.

Staff: The proposed facility would not have a negative impact on the development of education programs, recreational opportunities or spaces, and health services.

Considerations Continued:

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: Proposed facility is not in a municipal.

Staff: The application will likely not have a negative impact on the municipal or joint land use plans.

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 Applicant has proposed to compost a significant distance from any residence in the area in order to reduce any odor. Outdoor lighting will be used around the outside of the building for safety and security. Currently, there is some vegetation along River Road that will help act as a natural buffer to the West of the proposed facility.

II. Findings with Respect to the Variance

A variance is a relaxation of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the Applicant, a literal

enforcement of the regulations would result in unnecessary and undue hardship. As used in the CCZR, a variance is authorized only for height, area, and size of structure, size of yards and open spaces, signage, landscaping, or as otherwise specifically provided for in these regulations. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or adjoining zoning districts.

The Applicant has requested a Variance to waive part of the requirement of Cascade County Zoning Regulations § 7.2.4(25), which reads “animals may not be stabled or processed within one (1) mile from any adjacent residences”.

Section 9.5.2 Basis of Decision for a Dimensional Variance

A dimensional variance shall only be granted when the evidence shows, and a finding can be made that each of the following conditions exists:

- (1) The variance is not contrary to the public interest.

Applicant: This property will be in our rural area, on our private property. Nearest neighbors are family and give their permission. This type of business compliments the agriculture in the area.

Staff: The one (1) mile buffer zone from residences helps to mitigate potential conflicts between different types of land uses, such as residential and more intense commercial uses. The one (1) mile buffer zone also serves to help mitigate potential public nuisance(s) related to light, odor, noise, and traffic concerns. The subject property is 20 acres. The surrounding properties are zoned Agricultural. The closest house to the proposed facility is approximately 370 feet away and that house is owned and occupied by the Applicant. There are four (4) other dwellings within one (1) mile of the proposed facility. One dwelling is approximately .4 miles away and is owned by Jan Johnson. Another dwelling is approximately .6 miles away and is owned by Patrick B & Loretta M Standley Living Trust. The next dwelling is approximately .91 miles away and is owned by Michael L & Jacqueline T Standley. The last dwelling is approximately .99 miles away and is owned by Steve & Rhonda Tylinski. The surrounding areas topography offers a natural buffer to some of these dwellings. This is shown in the attached Vicinity Topography map. This will also be a smaller “Commercial Butcher” facility where the Applicant plans on starting as a self-employed processing facility, butchering up to six beef per week. The Applicant states that the facility will have the capacity to process 4-6 beef, 3-4 pigs and 3-4 lambs per week. Livestock will be delivered one day prior to slaughter once a week between the hours of 12 PM and 6 PM. This facility will not be used as a commercial feedlot. The proposed scope of the facility, the

natural topography, and the approximate .6 mile distance from other, non-applicant residential dwellings, act to serve the purpose of minimizing and mitigating potential conflicts with the nearby residences; and, therefore, the variance would not be contrary to the public interest.

- (2) A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.

Applicant: This business will contribute to the agriculture economy and support Montana livestock producers. Our business will also support our family and enable us to continue ranching and raising livestock.

Staff: Throughout this property there are notable changes in topography. The proposed placement of this facility is the only feasible spot on the subject property. Most of the open space located on this parcel is on a hill side. The Applicants own and reside on the subject property which would allow them to constantly maintain the proposed facility.

- (3) The spirit of this Section would be observed, and substantial justice done by granting the variance.

Staff: The Granting of this variance would not put the Applicant or the proposed facility in nonconformity with the Cascade County Zoning Regulations other than being within one (1) mile from any adjacent residences. In the event, the Applicant is unable to obtain a variance from this Section, they would be unable to construct and use this property for the proposed "Commercial Butcher" facility.

Motions:

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

- A. Alternative 1: Move that Special Use Permit #011-2020 for a use of a "Commercial Butcher" and Variance #2020-03 to waive part of the requirement of Cascade County Zoning Regulations § 7.2.4 (25), which reads "animals may not be stabled or processed within one (1) mile from any adjacent residences" be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board to adopt the Staff Report and **approve** Special Use Permit #011-2020 for a use of a "Commercial Butcher"

and Variance #2020-03 to waive part of the requirement of Cascade County Zoning Regulations § 7.2.4 (25), which reads “animals may not be stabled or processed within one (1) mile from any adjacent residences” at 1125 River Rd, Cascade, MT, referenced as Parcel # 0003801577 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. The Applicant obtains approval from the City-County Health Department for a Subsurface Wastewater Treatment System.
3. The Applicant obtains any necessary permits required by the City/County Health Department and/or the Montana Department of Environmental Quality.
4. The Applicant obtains addressing from the Cascade County GIS Department for E911 purposes.
5. The Applicant performs a Traffic Impact Study if required by the Cascade County Road & Bridge Division.

Attachments:

- Special Use Permit Application & Site Plan
- Vicinity / Zoning/ one (1) Mile Buffer Map/ Topography Map
- Applicable CCZR sections.

cc: Todd J. & Alena O. Standley