

CASCADE COUNTY
ZONING BOARD OF ADJUSTMENT

12/17/2020

09:00 AM

Zoom Online Video Meeting

Board Members: Bill Austin, Charles Kuether, Leonard Reed, and Rob Skawinski.

NOTICE: PURSUANT TO MCA 2-3-212(1), THE OFFICIAL RECORD OF THE MINUTES OF THE MEETING IS IN AUDIO FORM, LOCATED AT CASCADECOUNTYMT.GOV AND THE PLANNING OFFICE. THIS IS A WRITTEN RECORD OF THIS MEETING TO REFLECT ALL THE PROCEEDINGS OF THE BOARD. MCA 7-4-2611 (2)(B). TIMESTAMPS ARE INDICATED IN RED, WITHIN EACH AGENDA ITEM BELOW, AND WILL DIRECT YOU TO THE PRECISE LOCATION SHOULD YOU WISH TO REVIEW THE AUDIO SEGMENT.

THESE MINUTES ARE PARAPHRASED AND REFLECT THE PROCEEDINGS OF THE CASCADE COUNTY ZONING BOARD OF ADJUSTMENT AND ARE CONSIDERED A DRAFT UNTIL FORMALLY APPROVED BY THE ZONING BOARD OF ADJUSTMENT.

STAFF ATTENDEES: Anna Ehnes, Care Ann Haight, Sandor Hopkins, Kevin Nurre, and Charity Yonker.

PUBLIC ATTENDEES: Amanda Byrne, Forrest Granger, Jason Meeker, Scott Schuman, and Ronda Wiggers.

1. **CALL TO ORDER:** Chair Bill Austin called the meeting to order at 09:18 AM, [00:00:09].

2. **ROLL CALL:**

BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, and Leonard Reed.

BOARD MEMBERS ABSENT: Rob Skawinski.

3. **APPROVAL OF THE MINUTES:** None.

Bill Austin: Says we do not have any minutes to approve. Asks if we should start with SUP #012-2020 (Special Use Permit).

4. **OLD BUSINESS:**

A. **VR #2020-001, Variance Request—Garrett & Katie Baney,** [00:01:00]

1. **Board Discussion & Decision**

Charity Yonker: Says first she needs to address the Old Business which has been withdrawn from the Agenda.

Bill Austin: Agrees and asks if the withdrawn Old Business was a variance request.

Charity Yonker: Says that is correct.

5. NEW BUSINESS:

A. Special Use Permit #012-2020, Light Manufacturing & Assembly-Granger, [00:01:40]

1. Sandor Hopkins presents the Staff Report.

2. Motions:

Alternative 1: "Move the Special Use Permit #012-2020 to allow light manufacturing & assembly on the property referenced as Parcel# 0004305400 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);"

Or

Alternative 2: "Move the Board adopt the Staff Report and Findings of Facts and conclusions, and **approve** Special Use Permit #012-2020 to allow light manufacturing and assembly on the property referenced as Parcel #0004305400, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective regulations associated with those permits and approvals; and
2. The Applicant obtains any necessary land use permits for any unpermitted structures or uses on the property for which nonconforming status cannot be shown."

3. Board Discussion [00:26:06]

Bill Austin: Ask if there are any comments from the Board or questions for Mr. Hopkins.

Leonard Reed: Admirers the Happy Holidays writing on the Planning Department whiteboard and asks who did it.

Sandor Hopkins: Says that it was Ms. Gough and will pass the compliment on to her.

Bill Austin: Ask if the Applicant is here and if they would like to speak.

Charity Yonker: Says that Forrest Granger is the Applicant and that he is on the Zoom call.

Bill Austin: Asks if the Applicant would like to address the Board.

Charity Yonker: Says that the Applicant is unmuted.

Bill Austin: Ask Mr. Granger if he would like to address the Board. Hearing none, he asks if Charles Kuether has any comments.

Charles Kuether: Says that he has questions for the Applicant and was hoping to hear from him.

Bill Austin: Is not sure why the Applicant is not commenting. Asks the Applicant if he is there. Hearing None, he says the Applicant must not be there.

Leonard Reed: Says that he thinks they have enough information from the written request to decide.

Bill Austin: Says yes.

Charity Yonker: Says the Applicant may be coming in by phone.

Forrest Granger at 1524 Eden Rd. Great Falls, MT 59405: Addresses the Board.

Bill Austin: Ask if this is the Applicant, Mr. Granger.

Forrest Granger: Says that it is him and that he does not have a microphone on his computer.

Bill Austin: Asks if Mr. Granger would like to address the Board and that one of the Board members has questions.

Forrest Granger: Says that is no problem.

Bill Austin: Permits Charles Kuether to ask the Applicant questions.

Charles Kuether: Ask for more detail on the Agricultural items that the Applicant will be making.

Forrest Granger: Says he will be machining small parts for tractors, plows, and squeeze shoots for cattle. He says the goal would be to take what he makes and sell it to neighbors.

Charles Kuether: Ask if this would be more of a word of mouth with neighbors' operation instead of retail.

Forrest Granger: Says his end goal would be to get his items to a retailer like a ranch supplier. In the short term, he would like to have the option to sell to neighbors.

Charles Kuether: Ask what type of firearms he plans to make with this license and how will he distribute them.

Forrest Granger: Says that most firearm parts are not regulated and do not have a serial number on them. The FFL type 7 license means that he can create firearm parts that have a serial number on them and are tracked by the ATF. He says that his main goal would be to make receivers for rifles. He says that he knows a few guys in Kalispell that do this and he has some designs that he would like to do.

Charles Kuether: Ask if he would then market in North 40 or a sportsman shop up in Kalispell.

Forrest Granger: Says yes, like Highwood Creek Outfitters or Mitchel Supply. Pretty much any sporting goods store.

Charles Kuether: Thanks Mr. Granger and says that is all he has for questions.

Bill Austin: Asks Leonard Reed if he has any questions

Leonard Reed: Says no.

Bill Austin: He thanks the Applicant.

4. **Public Hearing opens at 09:49 AM, [00:32:00].**

Proponents: None.

Opponents: None.

Public Hearing closes at 09:51 AM.

5. **Board Discussion & Action: [00:33:40]**

Charles Kuether: Asks Leonard Reed if he would like to make a motion.

Leonard Reed: Says he would be happy to.

Leonard Reed: "I move the Board adopt the Staff Report and Findings of Facts and conclusions, and **approve** Special Use Permit #012-2020 to allow light manufacturing and assembly on the property referenced as Parcel #0004305400, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with the respective regulations associated with those permits and approvals; and
2. The Applicant obtains any necessary land use permits for any unpermitted structures or uses on the property for which nonconforming status cannot be shown."

Charles Kuether: Asks about Condition #2 and if the unpermitted structures need to be permitted.

Leonard Reed: Says that he will add that to his motion.

Sandor Hopkins: Says that is correct and that the Applicant has submitted two (2) Location/Conformance Permit Applications to address that.

Charles Kuether: Seconds the motion.

All in Favor, motion carries 3-0.

Bill Austin: Wishes Forrest Granger good luck.

Forrest Granger: Says, "Thank you."

Charles Kuether: Thanks Mr. Granger

Forrest Granger: Response, "No problem."

B. Special Use Permit #013-2020, Excavation of Sand and Gravel & Special Use Permit #014-2020, Quarry-United Materials of Great Falls, Inc. [00:35:45]

1. Sandor Hopkins presents the Staff Report.

2. Motions:

Alternative 1: "Move the Special Use Permit #013-2020 to allow the excavation of sand and gravel on Parcel #0002649400, and Special Use Permit #014-2020 to allow a quarry on Parcel #0002643500 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied);"

Or

Alternative 2: "Move the Board adopt the Staff Report and Findings of Fact, and **approve** the Special Use Permit #013-2020 to allow the excavation of sand and gravel on Parcel #0002649400, and Special Use Permit #014-2020 to allow a quarry on Parcel #0002643500 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with all respective regulations associated with those permits and approvals.
2. Any buildings housing power or power-producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines in accordance with CCZR § 7.2.4(2).
3. Operations hours shall be limited from 7:00 a.m. until 7:00 p.m. in accordance with CCZR § 7.2.4(2).
4. No structures shall be constructed greater than 150 feet in height, which are located in the Height Military Overlay District Conical Surface (MOD-D)."

3. Board Discussion [01:05:10]

Bill Austin: Asks if the Applicant is present and would like to speak.

Scott Schuman at 3349 14th Ave. S, Great Falls, MT 59405: States they are with United Materials, he does not have anything to add but can answer any questions there might be from the Board.

Bill Austin: Asks if the Board has any questions.

Charles Kuether: States he does not have any questions.

Bill Austin: Comments that this does not seem to be a new operation but an expansion of an existing one.

Scott Schuman: Says, "That's correct."

Bill Austin: Says thank you and if there are no other questions for Planning Staff or the Applicant, we will move onto the public hearing.

4. **Public Hearing opens at 10:23 AM, [01:06:04].**

Proponents: None.

Opponents:

Amanda Byrne at 71 Gerber Rd. Great Falls, MT 59405: States she is not against United Materials getting their gravel permit but has concerns about the roads between Gerber Road and Gibson Flats because they have been deteriorating for years and have not been improved with the traffic volume it already has. She states she is not against the business at all, but it would be nice to have the road improved so that it could handle the large gravel trucks.

Bill Austin: Says thank you and that he agrees that roads need to be in repair. Calls for the second call for opponents.

Charles Kuether: Asks if he can ask the commenter a question.

Bill Austin: Says, "Sure, go ahead Charles."

Charles Kuether: Asks who owns the road.

Amanda Byrne: States that she lives on Gerber Road and that the County owns the road.

Charles Kuether: Restates that it is not a private road, but it is a Public County maintained road.

Amanda Byrne: Confirms and states that Rick Schutz is doing the best he can out in that area, but the road is not meant for the traffic it gets. She states it is Gerber Road that connects to Fields Road that leads into Gibson Flats and the Ayrshire Dairy area.

Charles Kuether: Thanks Ms. Byrne.

Bill Austin: Thanks Ms. Byrne. Makes second and third call for opponents.

Public Hearing closes at 10:24 AM.

5. **Board Discussion & Action: [01:09:08]**

Charles Kuether: States he has a question for Scott Schuman and asks him to address the road and maintenance.

Schott Schuman: States he can and that he thinks Ms. Byrne is getting at the portion of the road that is used by Dickman Excavation who has a gravel pit in the area. He states that the operation United Materials has is located on Gibson Flats Road and when they leave the gravel pit, eighty percent (80%) of the time, they head North out of the pit and into their property and through to 10th Avenue South so there is really no gravel road that they run on other than Gibson Flats Road. He states he is not sure of the exact distance, but it is short. When you come out of the lower pit to the West, and you hit asphalt close to Walden's, so there is very little gravel and only used around twenty percent (20%) of the time.

Charles Kuether: Asks if United Materials does not use the road that Amanda Byrne commented about and if it is just Dickman that uses it.

Schott Schuman: States there is a very slim chance that they would use that road and that they would maybe use it if they had work in Stockett or Sand Coulee but eighty percent (80%) heads north through their property and get on 10th Ave South by the KOA. Around twenty percent (20%) of the time, we head West on Gibson Flats Road and hit the asphalt at Walden's.

Charles Kuether: Asks if the Board grants the request, is that going to expand the amount of traffic that goes in and out of the pit, or is it just going to allow the Applicant to do work in different areas.

Schott Schuman: States that the expansion is going to let them continue to mine gravel and allowing the operation to continue. He says that we are to the point where we have everything mined out what they have already permitted for open-cut mining, so this is an expansion to allow them to continue to mine and process gravel.

Charles Kuether: Asks for confirmation that it would not be a change in volume or nature of the operation.

Schott Schuman: States he does not know because the amount of work they have can differ from year to year, but that it will not change drastically from what they have done in the past.

Charles Kuether: Says, "Thank you."

Bill Austin: States that the way he understood it is that it is just an expansion of the use and that the vehicles are not going to be much more, and that it all depends on demand. Asks if there are any other questions for the Board or Scott. Hearing none, Mr. Austin entertains a motion.

Charles Kuether: Moves the Board adopt the Staff Report and Findings of Fact, and **approve** the Special Use Permit #013-2020 to allow the excavation of sand and gravel on Parcel #0002649400 and Special Use Permit #014-2020 to allow a quarry on Parcel #0002643500 subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and complies with all respective regulations associated with those permits and approvals.
2. Any buildings housing power or power-producing machines shall be a distance of at least two hundred (200) feet from all adjacent property or street and highway lines in accordance with CCZR § 7.2.4(2).
3. Operations hours shall be limited from 7:00 a.m. until 7:00 p.m. in accordance with CCZR § 7.2.4(2).
4. No structures shall be constructed greater than 150 feet in height, which are located in the Height Military Overlay District Conical Surface (MOD-D)."

Bill Austin: States there is a motion to approve SUP 013-2020 and 014-2020 and asks for a second.

Leonard Reed: Second the motion.

All in Favor, motion carries 3-0.

6. PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD'S JURISDICTION [01:16:00]

Bill Austin: Asks staff if they are reviewing a tentative meeting schedule.

Charity Yonker: Says, "Yes, under the Board Matters."

Bill Austin: Asks if everyone has had a chance to look at the tentative 2021 meeting schedule.

Charles Kuether: States he has looked at it, put it in his book, and sees no conflicts at this time.

Bill Austin: Asks if Mr. Kuether can work them in with his vigorous work schedule.

Charles Kuether: Answers yes, he has especially freed up November.

Bill Austin: States he has looked at the schedule but still has not decided whether or not he wants to re-up or not.

Charles Kuether: States that they are in favor of Mr. Austin “re-uping”.

Leonard Reed: Responds, “Amen.”

Bill Austin: States he figured that and that he probably will. He then asks Leonard if he has gone through the schedule.

Leonard Reed: Says that the schedule is what he expected and that it is nice to have, and he commends staff for producing it.

Bill Austin: Asks staff to confirm that this is the Board’s tentative schedule, but if nothing is pending, they will be notified of the meeting being canceled.

Charity Yonker: Confirms that it is the tentative schedule and if approved it will become the official schedule for next year and that the dates are subject to change. She also confirms that if there are no materials for the Board to hear, the meeting would be canceled and the Board would be notified.

Bill Austin: Thanks Ms. Yonker and says it looks fine to him. He states it is nice to have to be able to add to their calendar.

Charles Kuether: States the schedule worked out great for him yesterday because he was trying to schedule a meeting for January and ended up moving it so there was no conflict.

Bill Austin: States the Board will miss Michele [Levine] and he hopes she is doing fine and that he would not want to appear in front of her.

Charles Kuether: Jokingly says, “Well you’ll just have to stay out of trouble.”

Bill Austin: Responds, “I’m trying.”

Charles Kuether: Motions to adopt the proposed meeting schedule document for 2021.

Bill Austin: Asks for a second.

Leonard Reed: Second the motion.

Bill Austin: Agrees and states that the Board has adopted it as the 2021 meeting schedule.

7. BOARD MATTERS [01:19:13]

Bill Austin: Asks if there are any public comments regarding matters they may have missed.

Charity Yonker: States she does not see any public comments in the Zoom Chat.

Bill Austin: States they are at the end of the agenda.

Leonard Reed: Asks if Rhonda Wiggers works here.

Charity Yonker: Clarifies that Rhonda Wiggers is a public attendee.

Bill Austin: Asks if there are any other comments.

8. ADJOURNMENT AT 10:38 PM, [01:20:28].

Bill Austin: Entertains a motion to adjourn.

Leonard Reed: Motions to adjourn.

All in Favor, motion carries 3-0.