



**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, May 20, 2021

9:00 a.m.

Room 105 Courthouse Annex

Cascade County Commissioners Chambers

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

SUP #017-2019

SUBJECT PROPERTY INFORMATION	
Name of Applicant:	Ron Erpelding 269 Flood Road Great Falls, MT 59404
Owner(s):	The Estate of Zollie Kelman & Dennis E. Stefani 40 Fox Island Lane Great Falls, MT 59405
Legal Description:	Section 21, Township 20 North, Range 3 East, Lot 3 of Doran Park Subdivision
Geo-Code(s):	02-3015-21-1-02-04-0000
Parcel Number(s):	2439590
Existing Zoning:	Commercial (C) District
Current Land Use:	Vacant Skyline Bar
Surrounding Land Uses	North Great Falls International Airport, Warehouse, Residence
	South Undeveloped land, Office Building, 911 Call Center
	East Interstate 15
	West Undeveloped land
Zoning	North County: Suburban Residential 1 (SR-1) District, & Light Industrial (I-1) District City: Airport Industrial (AI)
	South County: C District City: AI
	East County: SR-1 District City: R-2 Single-Family Medium Density
	West County: SR-1 District City: AI
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.10.11(17) & 10.
Requested Action:	Approval of a Special Use Permit (SUP) to allow a Worship Facility at the Subject Property



General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a SUP Application from Ron Erpelding to allow a worship facility on the Subject Property. The Applicant is requesting that a SUP be granted as required by Section 7.10.11(17) of the CCZR.

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" 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.

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 Estate of Zollie Kelman & Dennis Stefani is the legal owner of the Subject Property.
2. The Subject Property is in the C District. A "Worship Facility" is allowed in the C District with an approved SUP per CCZR § 7.10.11(17)¹.
3. The Subject Property is not known to be in violation of any Cascade County Zoning Regulations or any other County Regulations or Ordinances, and county taxes are current.
4. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on May 11, 2021 and May 18, 2021 and mailed to surrounding property

¹ CCZR § 7.10.11(17): "[Uses Permitted Upon Issuance of a Special Use Permit]: (17) Worship Facility."



owners, via certified mail, on May 7, 2021. As of writing this Staff Report, the Planning Department has received no phone calls or written comments.

5. Notice was also sent to interested agencies, via mail, on May 7, 2021. As of writing this Staff Report, the Planning Department received written comments from Kevin May, the Cascade County MS4 Coordinator, stating that the Subject Property is located within the Municipal Separate Storm Sewer Systems (MS4s) boundaries. Please see attached email.
6. The Subject Property is located in the Military Overlay District, MOD-F (Outer Horizontal Surface), for Malmstrom Air Force Base. No structure in the MOD-F zone can be greater than 500 feet in high based on the elevation of the helicopter runway at Malmstrom (3,526 feet)².
7. The Subject Property is located within the Horizontal Zone of the Airport Influence Area³. A separate Location/Conformance Permit is required for any streets, structures, and trees seventy-five (75) feet, or higher, of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone⁴.
8. Access to the proposed worship facility will be from Old Airport Road, a private road easement⁵.
9. The Subject Property has previously obtained an E911 address.
10. 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 Section 13 of the CCZR.
11. Appeals of the ZBOA's decision shall follow the process outlined in Section 12 of the CCZR.

Findings with Respect to the Analysis Criteria

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

1. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

² CCZR § 16.1: "MAFB Runway Area."

³ CCZR § 15.1.3.1: Horizontal Zone—established at 150 feet above the airport elevation or at a height of 3,824 feet above mean sea level.

⁴ See CCZR § 15.1.6.1(1).

⁵ Certificate of Survey No. 5142: "Plat of Doran Park Subdivision."



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: Traffic to/from the location will be increased during normal service days: Sundays (AM & PM) and Wednesday nights. Other various activities throughout the week include: Friday night youth services and Saturday night prayer meetings.

Staff: Traffic conditions will increase in the area on the days the worship facility holds gatherings. Notice was sent to the Cascade County Road and Bridge Department, Montana Department of Transportation, and Great Falls Public Works requesting comments. No comments or concerns have been received by either entity at the time of writing this report.

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

Applicant: Will utilize: City Water & Sewer, Gore Hill Fire Dept, Northwestern Energy, Energy West, and Montana Waste.

Staff: No negative or positive effects are anticipated on services and utilities. The property is served by the Cascade County Sheriff's Department and the Gore Hill Volunteer Fire Department. Notice was sent to the Cascade County Sheriff's Department, the Gore Hill Volunteer Fire Department, City-County Health Department, Northwestern Energy, and Energy West requesting comments. No comments or concerns have been received by either entity at the time of writing this report.

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

Applicant: Will utilize existing structure and drainage.

Staff: The Planning Department finds it unlikely that soil erosion and sedimentation and stormwater run-off will be a concern given that the property is not in a regulated floodplain and no new construction is proposed. This property is located within MS4 boundaries.

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

Applicant: Utilizing City Water/Sewer.



Staff: An impact on water supplies is not anticipated. The building has been used commercially before and will need to obtain the necessary permits, and/or approvals from the City-County Health Department.

- 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: The current facility has been vacant for several years, we plan to clean it up, and bring life back to this area. Our hope is that this new Worship Facility will improve the look and value of the property and all the adjoining properties.

Staff: The surrounding land uses in the area of the Subject Property are mostly commercial with some residential uses. This includes the Great Falls International Airport, a warehouse building, residential homes, office buildings, and an E911 Call Center. A worship facility will increase traffic in the area at certain times. The Planning Department does not anticipate a negative impact on property values as the Applicant is using an existing vacant building and the property has been used commercially in the past.

- 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: Converting the use from Bar to a Worship Facility should in no regards negatively impact the value of adjoining areas.

Staff: The Planning Department does not find this facility to be a public necessity to justify adverse impacts on the value of adjoining properties.

- 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: Converting the use of this existing structure from a Bar to a Worship Facility will bring a positive environment and no conflicts are expected.

Staff: With the inclusion of the conditions of approval recommended, conflicts are not anticipated with the proposed use of a worship facility.

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 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: Non-profit organizations are designed to encourage people to be upstanding citizens, thus enhancing the whole area.

Staff: This proposed use does not directly impact this objective. It does have the potential to attract people to utilize an area in need of redevelopment.

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

Applicant: Not Applicable.

Staff: This is not applicable for the proposed use.

- 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: Again taking care of our citizens so they can take care of the community.

Staff: This proposal has the potential to attract other businesses to redevelop the area. Residential neighborhoods are located nearby, and the worship facility will provide incidental residential services to area residents, while reusing existing infrastructure.



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

Applicant: When we hold special services, we have people coming from out of State, and even out of the Country, utilizing many of our local attractions including: museums, Interpretive Center, Giant Springs, etc.

Staff: This proposal has the potential to bring people into Cascade County. No large impact is expected.

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

Applicant: We have young couples starting up businesses within the community.

Staff: The Planning Department anticipates that the proposed worship facility will have no negative impact on this objective.

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: We are definitely looking for and encouraging growth in Montana.

Staff: The Planning Department anticipates that the proposed worship facility will have no negative impact on this objective.

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

Applicant: Visiting guests to special services love to come and shop in Great Falls, as well as stay at our local hotels and frequent all of our local restaurants and coffee shops.

Staff: This proposal has the potential to draw area residents to remain active in their communities and also bring other people to the Great Falls area who may contribute to other local businesses during their visit.

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: We as a church are connected worldwide.

Staff: The proposed worship facility is not anticipated to negatively impact economic development efforts.



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

Applicant: We have ranchers that attend our assembly. Besides my role as Pastor, I also raise cattle.

Staff: This proposal is not anticipated to have a direct impact on the agricultural economy.

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

Applicant: At present we don't have any alternative energy methods on the property, but we are certainly not opposed.

Staff: This project has not proposed the use for 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: Again, we have Ranchers and myself that attend this assembly and I fully believe in taking care of our resources.

Staff: The proposed worship facility should not negatively impact grazing areas, farmlands, or forests.

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

Applicant: Definitely encouraging the preservation of our natural beauty.

Staff: The proposed use is in a mostly developed area using a structure that was built in 1987⁶ with no plans for any new structures. A negative impact on Cascade County's scenic beauty is not anticipated.

⁶ The year this structure was build was found on the property record card located on the Montana Cadastral website <http://svc.mt.gov/msl/mtcadastral/>.



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 request is only utilizing existing structures, near other developed areas.

Staff: This property is located within a mostly developed area near the City of Great Falls. No new structures are being built and the existing structure has existing infrastructure established. Such reuse of the structure and infrastructure helps preserve Cascade County's open space setting.

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

Applicant: We will obtain necessary health permits to ensure we are keeping things cleaned and maintained properly.

Staff: This proposed plan will contribute positively to a good community appearance; the building has been vacant for a few years now. The applicant will have to obtain the necessary permits from the City-County Health Department. They will also need to obtain necessary permits from the State for building code requirements.

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

Applicant: Yes, we do support this, but our request doesn't pertain to this objective.

Staff: This proposal will have no impact on the support or 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: As far as we know we are not in the Superfund and Brownfields area.

Staff: This property is not associated with any Superfund or Brownfields processes.

GOAL 3: Maintain Agricultural economy

A. *Protect the most productive soil types.*

Applicant: Parking Lot is already paved, so we will not be messing with any soil types.



Staff: This property does not have soils considered prime farmland or farmland of statewide importance and is not used for agricultural production.

B. Continue to protect soils against erosion.

Applicant: No changes for the present.

Staff: It is unlikely that this operation would have an impact on soil erosion since no new structures will be built.

C. Protect the floodplain from non-agricultural development.

Applicant: Not in Flood plain.

Staff: This property is not located in a regulated floodplain and is not subject to the Cascade County Floodplain Regulations.

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

Applicant: We support it, but this request doesn't pertain.

Staff: This proposal does not appear to have any relation to traditional value-added agricultural industry.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

Applicant: We do support this, and at present have Military personnel attending our assembly.

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

Applicant: Again, we do support this, but don't have any say in this matter with our current request.

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

Applicant: Definitely encourage this, but don't have any say in this matter with our current request.



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

Applicant: Not applicable.

Staff: The property is located in the Outer Horizontal Surface (MOD-F) of the Height Military Overlay District. This is the least restrictive district with a 500-foot height limit for structures. The closest Launch Facility is approximately six (6) miles away. It is unlikely that this proposed use will have any impact on the US military mission in the county.

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: We follow all local government laws and open worship to all law abiding citizens.

Staff: The proposed project is not anticipated to have an impact on Cascade County's citizens' rural lifestyle.

B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.

Applicant: It's the people that attend this assembly that will bring cultural heritage to this facility.

Staff: This property has no known cultural/historical or archaeological sites and it is unlikely that this proposal will have any impact on others.

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

Applicant: Once we purchase the property, we'll keep the weeds and grass down to prevent fire hazards in the area.

Staff: This property is located within the Gore Hill Fire District service area. State building code will ultimately determine what level of fire suppression



system will be necessary. The Subject Property is located out of the wild land/urban interface.

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

Applicant: We are here to help and encourage people in the community to better themselves as individuals in all facets of life.

Staff: The project is not anticipated to negatively affect continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents. Worship facilities typically offer youth and adult programs and an assortment of social services benefiting citizen's general welfare.

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

Applicant: A Worship Facility is allowed in a Commercial District with the issuance of a Special Use Permit.

Staff: This property is not in proximity to any Launch Facilities or Missile Alert Facilities and is located in the Outer Horizontal Surface (MOD-F) of the Height Military Overlay District. This is the least restrictive district with a 500-foot height limit for structures. No new structures are being built. The proposed project will likely not have a negative impact on the municipal or joint land use plans.

Section 10.7 Operations

Operations in connection with the Special Use permits 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: From the application material submitted, the operation of the proposed worship facility will not result in a use more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights.



Motions:

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

- A. I move the Special Use Permit #017-2019 to allow a worship facility on Lot 3 of the Doran Park Subdivision, Section 21, Township 20 North, Range 3 East, Cascade County, Montana, described as Parcel #2439590 having Geocode 02-3015-21-1-02-04-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. I move the Board adopt the Staff Report in its entirety and **approve** Special Use Permit #017-2019 to allow a worship facility on Lot 3 of the Doran Park Subdivision, Section 21, Township 20 North, Range 3 East, Cascade County, Montana, described as Parcel #2439590 having Geocode 02-3015-21-1-02-04-0000 subject to the following conditions:
 1. The Applicant obtains any other required county, state, or federal permits and/or approvals, and complies with the respective laws, regulations, and rules associated with any other permits and/or approvals.

Attachments:

- Special Use Permit Application
- Vicinity and Zoning Maps
- Interested Agencies Comments/Concerns

cc: Ron Erpelding; The Estate of Zollie Kelman & Dennis E. Stefani