



CASCADE COUNTY PLANNING DEPARTMENT

"Working Together to Provide Efficient and Effective Public Service"

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 # 003-2021

SUBJECT PROPERTY INFORMATION	
Name of Applicant & Owner:	Hayley Mieyr 2474 Old US Highway 91 Cascade, MT 59421
Legal Description:	Section 2, Township 16 North, Range 2 West, Cascade County, MT
Geo-Code(s):	02-2555-02-2-02-03-0000
Parcel Number(s):	3624800
Existing Zoning:	Mixed-Use 20 (MU-20) District
Current Land Use:	Vacant Restaurant and Residential Use
Surrounding Land Uses/ Zoning	North RV Park & Residential/MU-20
	South Railway, Fishing Access, Residential/MU-20
	East Retail and Accommodation/MU-20
	West Undeveloped/MU-20
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.6.11 (38) & 10
Requested Action:	Approval of a Special Use Permit (SUP) to allow a Shopping Center on the Subject Property.

General Information:

The Cascade County Zoning Board of Adjustment (ZBOA) is in receipt of a SUP Application from Hayley Mieyr to allow a shopping center on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.6.11 (38) & 10 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. Hayley and Schuyler Mieyr are the legal owners of the Subject Property.
2. The current structure located on Subject Property is addressed as 2474 Old US Highway 91, Cascade, MT 59421.
3. A shopping center is allowed in the MU-20 District with an approved Special Use Permit. CCZR § 7.6.11 (38)¹.
4. Section 2 of the CCZR defines a Shopping Center as: "*More than one (1) sales or service uses built on a single site which is planned, developed, owned, and managed as an operating unit.*"
5. 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.
6. The Applicant is reapplying to the ZBOA for the same use that SUP #012-2019 was conditionally approved for on September 17, 2019.
7. Conditional approval for SUP #012-2019, a shopping center located on the Subject Property, was granted by the ZBOA on September 17, 2019. On

¹ CCZR § 7.6.11 (38): "[Uses Permitted Upon Issuance of a Special Use Permit]: (38) Shopping Center."



- September 29, 2020, the Planning Department received an extension request for SUP #012-2019. Per Section 10.4 of the CCZR, a one-time only six (6) month extension was granted and was in effect starting September 17, 2020 and expired on March 17, 2021 due to no further extension being requested.
8. A Location/Conformance Permit² was issued on April 1, 2021, for a residential use of the existing structure located on the Subject Property. The Applicant plans on keeping the residential use along with the proposed shopping center.
 9. The Applicant plans on using the current structure, located on the Subject Property, as the shopping center. This project does not propose any new structures.
 10. 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 owners, via certified mail, on May 7, 2021. As of writing this Staff Report, the Planning Department received phone calls from four adjacent property owners.
 11. Courtesy Notification Letters were sent, via certified mail, on May 13, 2021, to surrounding property owners directly South from the Subject Property due to the amount of questions and comments that the Planning Department received over the phone.
 12. Notice was sent to interested agencies, via mail, on May 7, 2021. As of writing this Staff Report, the Planning Department received written comment from Kevin May, the MS4 Coordinator, and a phone call from the Cascade Post Office Postmaster asking for more information on the Application. Please see attached email.
 13. 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.
 14. Appeals of the ZBOA's decision shall follow the process outlined in Section 12 of the CCZR.
 15. Access to the proposed shopping center will be from Old US Highway 91, a Montana Department of Transportation State Highway³.

² L/C Permit # 069-021

³ MDT Spatial Data Map:

<https://mdt.maps.arcgis.com/home/webmap/viewer.html?webmap=1eab4f286f61456b87fa28dc42e49e8f>



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 Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment 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: There is no addition of roads, lights etc. as it was already a functioning [restaurant]. Possible minimal added traffic to area. No endangerment to the health or safety of the public.

Staff: The proposed land use is adjacent to the Prewett Creek Inn, the Prewett Creek RV Park, the Prewett Creek Fishing Access Site (FAS), and several residences. The local area is marked by the seasonality of a tourism geography. As such, there are fluctuations in traffic to the area with summer being the busiest time of year and it is possible that vehicle overflow will line the roadway shoulder and create sight obstruction along Old US 91. The proposed use is anticipated to increase traffic in the area. Montana Department of Transportation (MDT) was contacted, and no comment/concerns have been received since writing this report.

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

Applicant: There are already services to this site as well as surrounding business and residential. Impact of SUP approval will be minimal.

Staff: Fire protection is provided by the Cascade Farmer Ranch Rural Fire Department. Water and sewer are provided by a public water system (PWS) and septic system. An email from DEQ



concerning the PWS for the Subject Property is attached to this report.

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

Applicant: Not applicable as there will [be] no extra buildings that will effect soil erosion and etc.

Staff: Based on the application material provided the proposed land use will take place in the pre-existing building and parking area. This property is also not located within the MS4 boundary. Therefore, there are no concerns about soil erosion, sedimentation, or stormwater run-off at the Subject Property.

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

Applicant: This site already has [functioning facilities] under current inspections.

Staff: The Planning Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits through 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 proposed usage of a Restaurant/Bar & Grill/Convenience would be a delight to the locals and tourists that have been wanting this business operational again. There is a high demand for this type of business along the Missouri River corridor for locals and tourists.

Staff: The proposed land use is harmonious with the surrounding uses and development. It adds complimentary services to the existing development in the area at a scale that should preserve the desired outdoor experience for adjacent residences and recreationalists visiting the area. The proposed land use is similar



to the previous restaurant use and is not expected to impact the value of adjoining properties in any negative way. As of writing this report, no written comment/concerns were received.

- 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: The proposed shopping center usage is not necessary for public health or safety, but would be a welcome addition to the area and increase value of surrounding properties.

Staff: The Planning Department does not find this shopping center 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: The proposed use has already been an operational business in the past, Re-opening will bring harmony to the area as it is currently not open.

Staff: The proposed land use is harmonious and complementary to the surrounding residential and recreational uses and development.

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: This will help stimulate and retain business in this area, creating a fun and inviting environment and experience for locals and tourists alike.

Staff: The proposed land use complements adjacent businesses and can be expected to stimulate the retention of these operations by improving available services in the area for area residents and visiting tourists.

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

Applicant: Not applicable because we [won't] be using natural resources. [will] however increase county's tax base.

Staff: The proposed land use will have no impact on the encouragement of the sustainable use of county's natural resources.

- 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 neighboring [existing] businesses will all benefit from the services of the proposed shopping center. Servicing [clientele] of the RV Park, Fly Shop, Motel, and prewett creek boat launch fishing/camping access.

Staff: The proposed land use is a primary business development that complements adjacent businesses and utilizes available assets.

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

Applicant: The proposed shopping center is geared toward the tourist activity of the spring and summer and toward the local residents all year long.

Staff: The proposed land use directly promotes and supports tourism in Cascade County and serves to broaden Cascade County's economic base.



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

Applicant: The Shopping Center will foster the local environment in making it more [desirable] to visit, while keeping the rural charm and feel of the area.

Staff: The proposed land use may serve to foster and stimulate well-planned entrepreneurship through example.

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: Yes, we believe we will only stimulate and help grow local business along the Missouri River and Cascade County.

Staff: The addition of another business to the area will facilitate a strong business environment by providing local jobs and services to a remote part of the county.

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

Applicant: Yes, this will keep locals, tourists, campers and fisherman from traveling to Craig or Wolf Creek to dine, thus creating more revenue for Cascade County.

Staff: The addition of food, beverage, and retail services to the area will improve local trade capture and shopping by providing a Cascade County option for these services in the Missouri River corridor south of Cascade and Great Falls.

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: The Bar & Grill, Store and other local businesses will all ultimately benefit, working together, utilizing the Missouri River as the best local resource to leverage.

Staff: The proposed land use is a local development that will support the statewide tourism economy and leverage local resources.

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



Applicant: N/A as we do not typically do business within the agricultural economy.

Staff: No impacts to the agricultural economy are expected.

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

Applicant: Currently not applicable, however we do wish to slowly convert over to solar energy methods in the future.

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: N/A as the [building] is already in place and do not wish to remove any trees or foliage. In fact we plan to add more trees and grass, removing old rock "roads"

Staff: No impacts to agriculture or forestry are expected.

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

Applicant: Yes. this building and its location is historic to many, we do not wish to change its look and feel, only upgrade and improve upon its original building.

Staff: Since the success of the proposed land use is dependent upon the amenities provided by the Missouri River, there is good reason to believe the operation will take an interest in preserving the scenic beauty of the area. The structure is existing and was vacant for several years. The reuse of the structure assist in redeveloping areas with existing infrastructure helping to preserve the area without encouraging additional development sprawl.



- 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 is historic to many locals, and has been in its location for many years,

Staff: Since the proposed land use will take over a pre-existing building and site, the proposal helps preserve open spaces in the county.

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

Applicant: Yes, will pass all inspections and regulations necessary imposed by DEQ, Health and others.

Staff: The proposed project will need to obtain approval from the City/County Health Department, as well as DEQ.

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

Applicant: Not Applicable, as we are not in the business vertical.

Staff: The proposed land use 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: Not Applicable, as we are not in the business vertical.

Staff: The subject properties are not located within a Superfund or Brownfields site.

GOAL 3: Maintain Agricultural economy

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

Applicant: N/A we are not in the agricultural business



Staff: According to the NRCS Web Soil Survey Map generated on the USDA government website⁴, there is soil classified as Farmland of Statewide Importance located on the Subject Property. Because this structure has been on the Subject Property for numerous years and the Applicant does not plan on building any new structure for this use, the use of a shopping center will not negatively or positively impact on productive soil types.

B. Continue to protect soils against erosion.

Applicant: *Not applicable, as we are not in the agricultural business.*

Staff: There are no concerns for soil erosion with this proposed land use. No new structures have been proposed.

C. Protect the floodplain from non-agricultural development.

Applicant: *Not applicable, as we are not in the agricultural business.*

Staff: The property is not located in a regulated floodplain.

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

Applicant: *We support the development of any value-added industry in Cascade County.*

Staff: The use of a shopping center will not negatively affect the agriculture 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: *Not Applicable, We have no direct or indirect effect on the US Military in Cascade County*

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

⁴ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>



Applicant: Not Applicable, We have no direct or indirect effect on the US Military in Cascade County

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

Applicant: Not Applicable, We have no direct or indirect effect on the US Military in Cascade County

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

Applicant: Not Applicable. We have no direct or indirect effect on the US Military in Cascade County

Staff: The proposed project will not negatively affect military presence. The nearest missile silo is over eight (8) 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: We also believe and value the independent lifestyle of the [Cascade] County citizens and would like to maintain limited government intervention.

Staff: The shopping center will likely have little to no 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: Having been in the service industry for 20+ years. Delivering a great experience to our patrons so that they may come back time and again to add to our local economy.

Staff: The proposed use will likely have little to no impact on Cascade County's rich cultural heritage and there are no known cultural/historic sites or archaeological areas on the Subject 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: We support fire prevention, fires are very harmful to the fishing habitats, scenery and wildlife. We will promote fire safety on our property.

Staff: The Subject Property will be serviced by Cascade Farmer Ranch Rural Fire Department and is located in the Wildland-Urban Interface. The Cascade Farmer Ranch Rural Fire Department has not commented at the time of writing this report.

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

Applicant: We are strong believers and supporters of education programs, recreational opportunities and health services. Last summer during covid we donated our property for the end location of the Race Montana Wolf Creek Canyon Relay, and look forward to [continuing] to support and create [opportunity] for more programs.

Staff: The proposed land use encourages and facilitates recreational opportunities for county residents by providing basic services in a remote part of the county with an established base of recreational use.

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

Applicant: Yes, it will be [consistent] with the growth policy as this location has been here for many years, and will not effect the population growth for cascade county.

Staff: The proposed land use is consistent with the municipal and joint land use plans incorporated by the Growth Policy

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 use of a shopping center on the Subject Property 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 that Special Use Permit #003-2021 to allow a shopping center on the Subject Property described as Section 2, Township 16 North, Range 2 West, Cascade County, MT, Parcel #3624800 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 #003-2021 to allow a shopping center on the Subject Property described as Section 2, Township 16 North, Range 2 West, Cascade County, MT, Parcel #3624800, subject to the following conditions:
 1. The Applicant obtains all required local, state, and federal permits, licenses, and/or approvals, and complies with all respective laws, regulations, and rules, including but not limited to, the following:
 - a. The Applicant obtains approval for an adequate water supply source from MDEQ.
 - b. The Applicant obtains all necessary permits and/or approvals from the City-County Health Department.
 - c. The Applicant obtains an approved Location/Conformance Permit from the Planning Department.

Attachments:

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

cc: Hayley and Schuyler Mieyr