

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT**

**Thursday, June 17, 2021**

**9:00 a.m.**

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers  
& Via Zoom (an online platform, see [www.cascadecountymt.gov](http://www.cascadecountymt.gov) for more  
information)**

**SUP #004-2021**

**Subject Property Information**

Name of Applicant:	John Hostetler & Michael Yoder 560 4 <sup>th</sup> Lane NE Fairfield, MT 59436
Name of Owner:	Elk Creek Mennonite Church 586 1 <sup>st</sup> Road South Fort Shaw, MT 59443-9502
Legal Description:	Section 11, Township 21 North, Range 01 West, Tract 1 of Certificate of Survey #4980
Geo- Code(s):	02-3135-11-2-02-02-0000
Parcel Number(s):	6132200
Existing Zoning:	Mixed Use - 20 ("MU-20")
Requested Action:	Approval of a Special Use Permit ("SUP") to allow the expansion of an Educational Facility
Surrounding Land Uses/Zoning:	North: Agriculture & Residence/MU-20 South: Sawmill & Residence/MU- 20 West: Agriculture/ MU-20 East: Sawmill & Residence/MU- 20
Current Land Use:	Private School
Applicable Regulations:	Cascade County Zoning Regulations ("CCZR") §§ 7.6.11(12) & 10

**General Information:**

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit Application from John Hostetler & Michael Yoder for the property located at 772 1<sup>st</sup> Road South, Vaughn, MT 59487. The Special Use Permit Application is to expand the use of an Educational Facility by adding a gym. The Applicant is requesting a SUP be granted as required by CCZR §§ 7.6.11(12), & 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.

**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. Elk Creek Mennonite Church is the legal owner of the property and currently operates a private school on the property. SUP #13-15 was conditionally approved for this property by the Zoning Board of Adjustment on September 15, 2015, for the use of an Educational Facility.

2. The property is in the MU-20 Zoned District. The use of an “Educational Facility” is allowed in the MU-20 District with a SUP<sup>1</sup> .
3. The Applicant would like to build a 64’X84’ structure that would be used as a school, gym, and community center. The use of the property as a “Community Center” is allowed in the MU-20 District<sup>2</sup> as a Permitted Principal Use. The Applicant may also convert the existing school building into teacher housing, also allowed in the MU-20 District<sup>3</sup> as a Permitted Principal Use. These uses will require separate Location/Conformance Permits and are not the subject of this SUP.
4. The property is not known to be in violation of any CCZR or any other County Ordinance(s), and the county taxes are current.
5. Legal Notice of the Applications and the Public Hearing was published in the Great Falls Tribune on June 6, 2021, and June 13, 2021.
6. Notice of the Public Hearing was mailed to surrounding property owners by certified mail on June 2, 2021.
7. Interested Agency Notifications were mailed on June 2, 2021.
8. Access to the facility will be through an existing approach off 1<sup>st</sup> Road South, a county-maintained road.
9. The proposed facility will receive water from a private well and will be serviced by an on-site wastewater disposal system.
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 CCZR § 13.
11. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.
12. The property is not located within a Military Overlay District.
13. The property is not located in a regulated flood zone based on FIRM Panel 30013C0275E.

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<sup>1</sup> CCZR § 7.6.11 (12): Educational Facility

<sup>2</sup> CCZR § 7.6.9(6): Community Center

<sup>3</sup> CCZR § 7.6.9(16): Single-Family Dwelling

## **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: Approach will remain as is. Traffic will pretty much stay same. On special occasions/events there may be more.***

**Staff: The proposed facility will utilize an existing approach from the County maintained road, 1<sup>st</sup> Road South. At this time no improved approaches or traffic impact studies have been requested by the Cascade County Road & Bridge Division.**

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

***Applicant: Will run power from meter already in place, will have to check with Health Department for existing sewer, cell phone use, well for water, garbage pickup will remain the same, picked up every two weeks.***

**Staff: Existing electrical utilities are already in place on site. The expanded use of the facility may require additional approvals related to the water and wastewater systems. Garbage collections are not expected to be impacted. The property is within the Sun River Fire Response Area. Interested Agency comments were sent to the Sun River Volunteer Fire Department, Northwestern Energy, 3 Rivers Communications, and Energy West. No comments of concern have been received as of writing this report.**

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

***Applicant: Plant grass, the way it is sloped the runoff will run out to road ditch.***

**Staff:** The CCZR have been designed to consider the impacts to soil erosion, sedimentation, and stormwater run-off. The proposed structure will be approximately 5376 square feet and the total existing square footage of structures on the property is 1584 square feet. This property is 4.039 acres, and the total proposed building coverage is 0.16 acres, below the 20% lot coverage required by the Mixed Use 20 District<sup>4</sup>. This consideration is not expected to be adversely impacted. This property is also not located within the bounds of Cascade County's Municipal Separate Storm Sewer System (MS4) District.

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

***Applicant: Should not be any different than it is now.***

**Staff:** The Applicants will be required to receive approval from the City-County Health Department for this use and any modifications that are required by the proposed expanded use of the property. There do not appear to be surface waters in this location, and the protection of nearby water supplies will be addressed by other agency and department permitting requirements.

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: Should not effect the adjoining property, proposed new building will be 20' off of property line. Will try to work with adjoining property owners if there is a concern.***

**Staff:** It is not expected that an expansion to an existing Educational Facility would negatively impact the value of adjoining property. The proposed use is relatively low intensity and not of a large scale.

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<sup>4</sup> CCZR § 7.6.6

- 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: It is not so necessary – it is a school it shouldn't impact the value.***

**Staff: The proposed Educational Facility is not a public necessity. Therefore, impacts on the value of adjoining properties is not a justification to accommodate impacts.**

- 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: So we are already having school there now, so that will not change.***

**Staff: The proposed Educational Facility is not expected to generate significant impacts to the surrounding area; however, it will likely cause an increase in the amount of traffic at this location. The adjacent sawmill to the East and South is the most intensive surrounding use, while the other surrounding agricultural and residential uses are not expected to be more impacted by this proposed use than nearby existing uses.**

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

***Applicant: We are not close to Great Falls or Malmstrom.***

**Staff: The application is unlikely to have a negative impact on the municipal or joint land use plans.**

- 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: Not a business, will stay a school, and want to add a gym/community hall.**

**Staff: This proposal is not expected to have an impact on this objective as it does not directly relate to the expansion of business. It may provide an opportunity for teaching positions and short-term impacts while the new building is constructed.**

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

**Applicant: N/A Yes the best we can, but this being a private school / church property it will probably not affect this.**

**Staff: The tax revenue generated by the private school is not expected to contribute significantly to Cascade County's tax base.**

- 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: N/A This is not a business development. We are wanting to have school and a church gym building.**

**Staff: This proposal is expected to support the youth/social services aspect of this objective but have a limited impact on the remaining considerations.**

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

**Applicant: N/A This is a private church school so it will not affect tourism.**

**Staff: The private nature of this proposed use means that it is unlikely to have a significant impact on tourism. However, the expansion will continue to support the development of the cultural resources provided by the church and school.**

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

**Applicant: N/A This is a private school.**

**Staff: The educational opportunities provided at this location may foster future entrepreneurship but is not expected to directly support 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: N/A This is a private school.**

**Staff: This proposal does not appear to directly support this objective; however, is unlikely to have a detrimental impact on this objective either.**

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

**Applicant: N/A This is a private school / church gym. We will use local outlets for building materials.**

**Staff: There may be short term impacts while building materials are acquired for construction. This proposal will not provide shopping opportunities.**

*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: N/A This is a private school / church gym. Funded thru our church group. Using available local resources for our building material.***

**Staff: This proposal is not expected to support economic development efforts and has little connection to this objective.**

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

***Applicant: N/A Yes we support growth of the agricultural economy. But this is a private school so it probably will not affect it.***

**Staff: The proposed structure is not proposed to be located where there is current agricultural activity. This proposal is unlikely to impact this objective.**

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

***Applicant: N/A This is a private school / church gym on a couple of acres so it will not affect this.***

**Staff: The Applicants have not proposed alternate methods of energy production and this proposal is unlikely to impact this objective.**

***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: Will not be disturbing any farmland, or forests.***

**Staff: The Applicant's selected location will not disturb existing farmland or forests. This objective is unlikely to be impacted.**

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

***Applicant: Will not be close to any streams.***

**Staff: This proposal will not disturb any forests, rangelands, or streams.**

- 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: Will try to build that it fits in the rural setting. Build a building that is not an eyesore.**

**Staff: The proposed Educational Facility will be located on a property with an existing mobile home that is used as the school and near other development. It is not expected that this will have a detrimental impact on this objective.**

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

**Applicant: With what we plan to do should not change our clean air or water.**

**Staff: This type of use is not expected to impact clean air, clean water, or the environment. Necessary permits for the expanded use of the water and wastewater systems will ensure that this objective is met, and the property is not known to be in violation of Cascade County's Community Decay and Littering Ordinances.**

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

**Applicant: N/A This is a private school, so it will not affect development of natural resources.**

**Staff: This proposal does not have a direct connection to this objective and is not expected to generate an impact.**

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

**Applicant: N/A We are working with Cascade County on this project for zoning & permits.**

**Staff: This property has not been identified as a Superfund or Brownfield site.**

**GOAL 3: Maintain Agricultural economy**

A. *Protect the most productive soil types.*

***Applicant: Not disturbing any farmland.***

**Staff:** According to the NRCS Web Soil Survey Map generated on the USDA government website<sup>5</sup>, the location of the facility will be partially located on farmland of statewide importance; however, the area of disturbance will be minimal and active agricultural lands will not be impacted.

B. *Continue to protect soils against erosion.*

***Applicant: Will plant grass to protect against erosion.***

**Staff:** The Applicant has proposed to plant grass to protect the soils against erosion. There is an existing parking area, and it is not expected that this proposal will contribute significantly to soil erosion.

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

***Applicant: We are up on the Fairfield bench, so should not affect the floodplain.***

**Staff:** The subject property is not located in a Regulated Flood Hazard Area.

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

***Applicant: N/A This is a private school / church gym. So it will not affect agriculture.***

**Staff:** This proposal is not agricultural in nature and, therefore, it is not expected that this will have an impact on this objective.

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<sup>5</sup> <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

**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 are in the country and we don't think this is an issue.***

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

***Applicant: We do not think this is relevant to this project we are a school out of town.***

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

***Applicant: This project is 20 miles out of Great Falls and does not apply to this question.***

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

***Applicant: Again a school out of town.***

**Staff: This proposal is not expected to have a detrimental impact on this goal. The nearest Missile Facility is approximately two (2) miles to the Northeast and the property is not located in the Height Military Overlay District.**

**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 support and encourage.***

**Staff: This proposal will support this objective by providing a larger facility for an existing private school.**

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: Yes we appreciate the county's heritage and historical sites.***

**Staff: The school on the property could be considered a cultural site and the proposal to expand the use will enhance the existing use of the property. Staff is unaware of any historic or archaeological sites on this 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: Yes absolutely the fire danger in the summer with dry conditions is a real danger.***

**Staff: This property is located within the Sun River Volunteer Fire Department's response area and is not located in the wild land/urban interface. An Interested Agency Notice was sent to the Sun River Volunteer Fire Department, and as of writing this report no comments have been received.**

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

***Applicant: Yes we believe these things are important.***

**Staff: This proposal will directly support this objective by expanding an existing Educational Facility and providing a gym for use and occasional events. This proposal is not related to health services and is not likely to have an impact on that consideration.**

## **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 expanded use of the Educational Facility is not expected to generate significant impacts related to noise, fumes, vibrations, or flashing lights.**

**Motions:**

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

- A. Move that Special Use Permit #004-2021 for an expanded use of an "Educational Facility" be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Move the Board after consideration of the Staff Report and public comments, adopt the Staff Report and **approve** Special Use Permit #004-2021 to expand a "Educational Facility" at 772 1<sup>st</sup> Road South, Vaughn, MT, referenced as Parcel # 6132200 subject to the following conditions:
  1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with all respective laws, regulations, rules, and ordinances.
  2. The Applicant obtains all necessary permits and/or approvals from the City-County Health Department

Attachments:

- Special Use Permit Application & Site Plans
- Vicinity Map
- Zoning Map
- Applicable CCZR sections

cc: John Hostetler & Michael Yoder