

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 public notice for link)

SUP #010-2021

SUBJECT PROPERTY INFORMATION	
Name of Applicant & Owner:	Todd J. & Alena O. Standley 1125 River Road Cascade, MT 59421
Legal Description:	SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 of Section 29, Township 19 North, Range 2 East, Cascade County, MT
Geo-Code(s):	02-2891-29-4-01-01-0000
Parcel Number(s):	3801577
Existing Zoning:	Mixed-Use 20 (MU-20) District
Current Land Use:	Undeveloped/Grazing
Surrounding Land Uses/ Zoning	North Agricultural/MU-20
	South Grazing & Undeveloped/Agriculture (A)
	East Agricultural, Residential, Grazing & Undeveloped /MU-20 & A
	West & Northwest Agricultural, Residential, & Undeveloped /MU-20
Applicable Regulations:	Cascade County Zoning Regulations (CCZR) §§ 7.6.11(43) & 10
Requested Action:	Approval of a Special Use Permit (SUP) to allow the use of a Solid Waste Disposal Site on the Subject Property.

General Information:

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit Application from Todd and Alena Standley for their property located on Parcel No. 3801577. The Special Use Permit Application is for the use of a Solid Waste Disposal Site. The Applicant is requesting a SUP be granted as required by CCZR §§ 7.6.11(43), & 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. Todd J. & Alena O. Standley are the legal owners of the property.
2. The property is in the MU-20 District. The use of a Solid Waste Disposal Site is allowed in the MU-20 District with a SUP¹ provided that the parcel size is twenty (20) acres or greater. The Subject Property parcel size is 59.869 acres.
3. Section 2 of the CCZR defines a Solid Waste Disposal Site as “*all putrescible and non-putrescible wastes including, but not limited to, garbage, rubbish, refuse, ashes, sludge from sewage treatment plants, water supply treatment plants, or air pollution control facilities; construction and demolition wastes; **dead animals, including offal**; discarded home and industrial appliances; and wood products or wood byproducts and inert materials. See MCA § 75-10-103(7)(a)*”.
4. The Solid Waste Disposal Site will be for private use in conjunction with the Applicants conditionally approved Commercial Butcher Facility that will be on the adjacent property to the East, Parcel No. 3801575.

¹ CCZR § 7.6.11 (43): Use permitted upon issuance of a Special Use Permit: “Solid Waste Disposal Site, Solid Waste Transfer Station, Recycling Center, and Composting Facilities, provided parcel size is twenty (20) acres or greater.”.

5. The Applicants plan is to establish a Solid Waste Disposal Site that is essentially a compost pile that takes livestock carcasses and offal and generates a nutrient rich soil product.
6. SUP #011-2020 for the use of a commercial butcher and Variance VR 2020-003 to waive the one (1) mile buffer requirement, CCZR § 7.2.4 (25), was conditionally approved on October 29, 2020, subject to the CCZR that were adopted on June 26, 2018, on the adjacent property.
7. The Applicant has received a Solid Waste Management Systems License from the Montana Department of Environmental Quality (MDEQ) for this proposed project.
8. The property is not known to be in violation of any CCZR or any other County Ordinance(s), and the county taxes are current.
9. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on June 6, 2021, and June 13, 2021, and mailed to adjacent property owners, via certified mail, on June 2, 2021. As of writing this Staff Report, the Planning Department has received no written comments.
10. Notice was sent to interested agencies, via mail, on June 2, 2021. As of writing this Staff Report, the Planning Department has not received written comment.
11. Access to the Solid Waste Disposal Site will be off River Road, a county-maintained road.
12. The property is not located within a Military Overlay District.
13. The property is not located in a regulated flood zone.
14. 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.
15. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.

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 CCZR.

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

2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches:

Applicant: This project is not a threat to public health or safety. This project does not add to traffic on public roads.

Staff: The access for the proposed facility will be from River Road. This road is a gravel county-maintained road. According to the Application materials, no customers or visitors are expected. The Applicant will need to obtain the necessary approach permit(s) from Cascade County Road & Bridge Division.

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

Applicant: This project requires no utilities and is not a fire hazard.

Staff: The property will be served by the Ulm Volunteer Fire Department, which were provided an Interested Agency Notice on June 2, 2021. No comments have been received as of writing this report. The Applicant will need to obtain any necessary permits from the City/County Health Department and the Montana Department of Environmental Quality (“MDEQ”).

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

Applicant: This project will not disrupt the soil or effect sedimentation. The project will be contained.

Staff: No structures are proposed for this project and the Applicant has obtained an MDEQ Solid Waste Management Systems License. The Planning Department does not anticipate a significant amount of erosion and sedimentation. This proposal lies outside the urbanized area that is considered part of the County Municipal Separate Storm Sewer System (MS4) jurisdiction.

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

Applicant: The project is contained and will not have affect on any water supplies.

Staff: The Planning Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits and approvals through the City-County Health Department and MDEQ.

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: We are building a butcher facility and will use this solid waste site to compost the by-products of livestock processing. This is a common practice and a very sustainable way to utilize otherwise useless waste and create high-quality and nutrient-rich soil. The surrounding [properties] (very few and still at a distance) are aware and unaffected.

Staff: The uses surrounding the proposed facility is mostly grazing and agricultural uses. The proposed facility is compatible with other agricultural uses. The Applicant lives on the East adjacent property to the Subject Property and the next closest residence, Parcel No. 3801550, is about .3 miles away from the proposed site. Adjacent property owner notification has been sent to this property owner via certified mail. Possible conflicts with this proposal could be odor. The Applicant has stated their plan to resolve this conflict by covering the waste with 8-10 inches of cover (straw, hay, etc.) which will contain the odor.

- 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: Solid waste site will be small, out of sight from neighboring dwellings. It is also very common to have manure piles (compost piles) in a rural [environment].

Staff: The proposed facility is not necessary for public health or safety, but it is compatible with other agricultural uses in this area.

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: Composting is very harmonious with nature and this site will be in a secluded area that it will not impact negatively.

Staff: The proposed use is agriculturally based and is surrounded by other agricultural uses. No public comments have been received as of writing this report.

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: This site is necessary for our new butcher facility, which is a direct attempt at a new agriculture business. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed facility is directly correlated with the Applicants commercial butcher facility on an adjacent parcel, which will have a positive impact on the local agricultural industry.

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

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed project will make it possible for the Applicant to operate their commercial butcher facility which will generate tax revenue and will give farmers and ranchers a local resource to use for their operations.

- C. Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed project is compatible with the Applicants commercial butcher facility and complements and supports existing businesses and agricultural operations.

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

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

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

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

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed facility supports the butcher facility which could positively impact and stimulate well-planned entrepreneurship among the county's citizenry by being a local resource for other businesses in Cascade County.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed facility supports the Applicants butcher facility which would positively impact Cascade County's local business environment.

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

Applicant: See SUP for Standley Butcher Facility. We can not economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed facility supports a butcher facility that would encourage local trade and local shopping within the County.

- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

Applicant: See SUP for Standley Butcher Facility. We cannot economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

Staff: The proposed facility supports the butcher facility that would have a positive effect on economic development efforts.

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

Applicant: See SUP for Standley Butcher Facility. We can not economically or feasibly open our butcher shop without this solid waste disposal site. The solid waste disposal site is incidental to our butcher facility.

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

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

Applicant: There are no plans for alternative energy.

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

GOAL 2: *Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.*

Objectives:

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*

Applicant: Composting is a very natural process of taking waste (food, animal, etc.) and facilitating the natural process of breaking them down and [nurturing] them into a very rich, nutrient-dense soil. This site will provide a resource that can greatly improve our private grazing areas, farmlands, gardens, etc.

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

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

Applicant: This site will provide a resource that can greatly improve our private grazing areas, farmlands, gardens, etc. the site was chosen for its distance from water sources. The site has already been approved by the Montana DEQ.

Staff: The Applicant will need to obtain approval and follow proper protocol by MDEQ and other local and state agencies to ensure that this project will conserve Cascade County's

rangelands and streams based on the site location and proximity to water sources to prevent possible water contamination and ensure proper disposal practices. Based on the Application materials, the Applicant will be composting under the advisement of several agricultural extension services on how to properly compost this type of waste and generate a nutrient-rich soil product for personal use.

- 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 site will be on private property.

Staff: The proposed facility is an agricultural use and is not a subdivision. This proposal will preserve Cascade County's open space setting.

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

Applicant: This site was chosen to greatly decrease the affect on water, and is a direct positive impact on the environment. The site has already been approved by the Montana DEQ.

Staff: To ensure there will be no impact on air or water, the Applicant will be required to obtain all necessary permits from the City/County Health Department as well as MDEQ. The City/County Health Department has not submitted comments or concerns regarding this project as of writing this report. MDEQ has issued a license to the Applicants for a "minor composting facility" for the Solid Waste Disposal Site.

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

Applicant: We are not developing natural resources.

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

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

Applicant: We do not have property that needs redeveloped. all ground has [been] agriculture in the past.

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

GOAL 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant: The site location is not currently in use and is not a good location for other land use. This will improve the soil.

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

B. Continue to protect soils against erosion.

Applicant: The site will be contained at existing grade with no site grading required.

Staff: No site grading is proposed for this project. Therefore, one (1) acre of land is not anticipated to be disturbed during the construction process.

C. Protect the floodplain from non-agricultural development.

Applicant: This project does not affect the floodplain.

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

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

Applicant: This site is a necessity for our butcher facility that is [precisely] value-added agriculture by providing locally raised meat for consumers. It also is taking a waste product from the area and creating an improved product. Recycling is great! The site has already been approved by the Montana DEQ.

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

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

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

Objectives:

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

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

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

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

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

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

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

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

Staff: The proposed Solid Waste Disposal Site will have no impacts on the mission at Malmstrom AFB. The property is located outside of all Military Overlay Districts and is 4.3 miles away from the closest launch facility and 4.4 miles away from the closest MAF.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.

Applicant: This site will positively serve our local butcher business which positively impacts the local population by

providing local meat. It also prevents us from having to haul or nowhere to go with our waste.

Staff: The proposed facility 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: Agriculture and natural resources are very important to us. This site and the congruent butcher shop are in line with Cascade County's [rich] cultural heritage. The site has already been approved by the Montana DEQ.

Staff: The proposed facility would not have a negative impact on Cascade County's cultural/historical sites and archaeological areas.

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

Applicant: Fire prevention is always a priority on the ranch we live on and will continue to be so. We can't afford to lose our crops, facilities or livestock. This site will not be an increased fire risk.

Staff: The property is located within the Ulm Volunteer Fire Department's District. According to the Community Fire Plan Wildland-Urban Interface Map, the subject property is within the boundaries of the Wildland Urban Interface and is a low-risk terrain/fuel hazard.

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

Applicant: Soil composting, soil health and renewable resources are great topics for education programs. This site does not impact health services or recreational spaces.

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

Considerations Continued:

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

Applicant: Proposed solid waste site is not in a municipal.

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

Section 10.7 Operations

Operations in connection with the SUP shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Staff: Odor is a possible nuisance associated with the use of a solid waste disposal site. The Applicant stated that to reduce the nuisance of odor they plan to cover the waste with 8-10 inches of cover (straw, hay, etc.) that will contain the odor almost completely. They also stated that the compost will need to be turned with a tractor bucket every 6 months and that this will create a very temporary odor that will dissipate within a couple of hours. If odor is properly managed, operations for this use 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.

Motions:

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

- A. I move that Special Use Permit #010-2021 to allow a Solid Waste Disposal Site on the Subject Property located in the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 of Section 29, Township 19 North, Range 2 East, Cascade County, MT, Parcel No. 3801577 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. I move the Board, after consideration of the Staff Report and public comments, adopt the Staff Report and **approve** Special Use Permit #010-2021 to allow a Solid Waste Disposal Site on the Subject Property located in the SE 1/4 NE 1/4 and the NE 1/4 SE 1/4 of Section 29, Township 19 North, Range 2 East, Cascade County, MT, Parcel No. 3801577 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, rules, regulations, and ordinances.

2. The Applicant obtains any necessary permits and approvals required by the City/County Health Department and/or the Montana Department of Environmental Quality.

Attachments:

- Special Use Permit Application & Site Plan
- Vicinity & Zoning Map
- MDEQ Solid Waste Management Systems License
- Applicable CCZR sections.

cc: Todd J. & Alena O. Standley