

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT  
Thursday, July 15, 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 #008-2021**

SUBJECT PROPERTY INFORMATION	
Name of Applicant:	Todd Martin 2 Hawk Drive Great Falls, MT 59404
Name of Owner:	Ranch Development LLC PO Box 829 Great Falls, MT 59403
Legal Description:	Section 24, Township 20N, Range 04E, Block 014, Lot 006, Foothills Ranch Subdivision Phase III
Geo- Code:	02-3016-24-1-07-06-0000
Parcel Number:	2032282
Existing Zoning:	Suburban Residential District 2 ("SR-2")
Requested Action:	Approval of a Special Use Permit to allow a 2 <sup>nd</sup> dwelling.
Surrounding Land Uses/Zoning:	North: Residential/ SR2 South: Residential Townhome/ SR2 East: Undeveloped/ Commercial West: Residential Townhome/ SR2
Current Land Use:	Undeveloped
Applicable Regulations:	Sections 7.3.4 (1), 7.2.4 (4), & 10 Cascade County Zoning Regulations ("CCZR")

**General Information:**

The Cascade County Zoning Board of Adjustment ("ZBOA") is in receipt of a Special Use Permit ("SUP") Application from Todd Martin to allow a 2<sup>nd</sup> dwelling on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.3.4 (1)<sup>1</sup> 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

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<sup>1</sup> CCZR § 7.3.4 "Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts. Pursuant to CCZR § 7.2.4(4), under the RR-5 District, allows a second dwelling upon the issuance of a SUP.

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 Section 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. The SUP fee is \$450.00.

### **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’s 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. Ranch Development LLC is the legal owner of the property.
2. The property is in the SR-2 Zoned District. A two-unit townhome is allowed in the SR-2 District with a SUP. CCZR §§ 7.3.4 (1)<sup>2</sup> and 7.2.4 (4)<sup>3</sup>.
3. The property is not known to be in violation of the CCZR or any other County ordinances, and county taxes are current.
4. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on July 4, 2021, and July 11, 2021 and mailed to adjacent property owners, via certified mail, on June 24, 2021. As of writing this Staff Report, the Planning Department received a letter from Great Falls Public Schools. The letter is attached to this report.
5. Access to the new dwelling unit will be off Silver Mine Lane. This is a privately maintained road.
6. The dwelling is located in the Military Overlay District, MOD-D (Conical Surface), for Malmstrom Air Force Base. No structure in the MOD-D zone can be greater than 150 feet in height based on the elevation of the helicopter runway at Malmstrom (3,526 feet).<sup>4</sup>

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<sup>2</sup> CCZR § 7.3.4 (1): “Uses permitted upon issuance of a Special Use Permit” (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.

<sup>3</sup> CCZR § 7.2.4 (4): “Uses permitted upon issuance of a Special Use Permit” (4) A second dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).

<sup>4</sup> See CCZR § 16.1.1.

7. 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.
8. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.

### **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. 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, and approaches:

***Applicant: Will not affect Traffic conditions. The townhomes are in Phase III of Ranch Development and the streets have been designed for multi use traffic.***

**Staff: The Planning Department does not anticipate additional traffic as a result of the addition of the two-unit townhomes proposed that have not already been considered with the Foothills Subdivision approval.**

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

***Applicant: All services are present and approved.***

**Staff: Staff anticipates there will be minimal effect on the utilities at, or around the proposed parcels.**

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

***Applicant: This is in Phase 3 of Ranch Development and has been approved by the County and State.***

**Staff: The Planning Department does not anticipate a significant amount of erosion and sedimentation.**

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

***Applicant: Applicant: This is in Phase 3 of Ranch Development and has been approved by the County and State.***

**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: There is no impact. The townhouse is in the phase 3 of Ranch Development and is part of the planned development. It should increase surrounding properties.***

**Staff: The Planning Department does not anticipate that the two-unit townhouse will negatively impact the surrounding properties due to the surrounding residential uses in the vicinity as well as the previously approved Foothills Ranch Phase III Subdivision.**

- 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: There is a housing shortage in Cascade County and should alleviate those shortages.***

**Staff: The proposed townhome will provide more housing opportunity to Cascade County. The Planning Department does not anticipate that the townhome will effect surrounding uses considering that the surrounding residential uses are the same or similar to the proposed use.**

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:** *There are already townhomes adjoining the property and in the general area.*

**Staff:** With the inclusion of the conditions of approval recommended, the two-unit residential structure will be in harmony with existing residences. Currently, there are four existing townhomes within Block 014.

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:** *It will stimulate the retention of existing businesses & new business.*

**Staff:** The placement of the townhome will help sustain and strengthen the real estate economy and meet housing demands that will help encourage home ownership within Cascade County.

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

**Applicant:** *It will add to the Counties tax base.*

**Staff:** The proposed townhome will assist to increase the 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 requesting permit for townhouse.*

**Staff:** The proposed townhome is residential, therefore it will not negatively impact business.

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

**Applicant: Housing allows more people to reside in Cascade County and increase economic base.**

**Staff: The placement of the townhome will not negatively impact tourism or cultural resources.**

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

**Applicant: The Developers are Cascade County residents and entrepreneurship venture with the members.**

**Staff: The placement of the townhome will not negatively impact well-planned entrepreneurship among the county's citizenry.**

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 request permit for townhouse.**

**Staff: The proposed townhome is residential and will not negatively impact business support mechanisms.**

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

**Applicant: N/A request permit for townhouse.**

**Staff: The proposed townhome will not negatively impact business and could promote local shopping and new businesses growth.**

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: Our goal is to promote economic development.**

**Staff: The proposed townhome will not negatively impact economic development efforts.**

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

**Applicant: N/A requesting permit for townhouse.**

**Staff:** This project will not negatively impact the agricultural economy. The proposed townhome will be placed in a approved subdivision.

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

**Applicant:** *N/A requesting permit for townhouse.*

**Staff:** This Application does not propose the use of wind energy or other 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 requesting permit for townhouse.*

**Staff:** According to the USDA Web Soil Survey<sup>5</sup>, the Subject Property is considered farmland of statewide importance. The land went through subdivision review for residential use of the subject lot. With the small size of this lot (2.72 acres) staff does not believe the placement of the townhome will have a negative impact on grazing, 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:** *It is an approved development therefore preserving scenic beauty.*

**Staff:** The placement of the townhome is not anticipated to impact Cascade County's scenic beauty.

- 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:** *The townhouse is in an approved development.*

**Staff:** The Foothills Ranch Phase III Subdivision is located about 3 miles Southeast of the City of Great Falls. The subdivision was approved and filed in 2007.

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

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

***Applicant: The townhouse will improve community appearance.***

**Staff: The subject property will need to obtain approval from the City/County Health Department for water/waste water of the townhome (see Condition 3). The placement of the townhome will align with surrounding residential development.**

- 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 request for permit for townhouse.***

**Staff: The placement of the two-unit townhome will not have a negative impact on 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: N/A request for permit for townhouse.***

**Staff: The subject property is not located within a Superfund or Brownfields site.**

### **Goal 3: Maintain Agricultural economy**

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

***Applicant: Will protect soil types because it is in a approved development.***

**Staff: According to the USDA Web Soil Survey<sup>6</sup>, the Subject Property is considered farmland of statewide importance. The land went through subdivision review for residential use of the subject lot. With the small size of this lot (2.72 acres) staff does not believe the placement of the townhome will have a negative impact on most productive soil types.**

- B. *Continue to protect soils against erosion.*

***Applicant: Will protect soil types because it is in a approved development.***

**Staff: The Planning Department does not anticipate a significant effect on soil erosion from the placement of this townhome.**

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

***Applicant: Will protect soil types because it is in a approved development.***

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<sup>6</sup> <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>



**Staff:** The location of the Subject Property is not in a regulated floodplain area.

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

**Applicant:** *N/A request for townhouse Special Use Permit.*

**Staff:** The proposed townhome 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:** *Yes it is affordable housing for maintaining the current mission at Malmstrom.*

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

**Applicant:** *Yes it is affordable housing for maintaining the current mission at Malmstrom.*

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

**Applicant:** *It will not affect Malmstrom as Ranch Development is out of the fly zone.*

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

**Applicant:** *The townhouse will not affect the joint land use study it is in an approved subdivision.*

**Staff:** The placement of the two-unit townhome will not negatively affect military presence. However, the placement of the townhome is in MOD-D of the Military Overlay District which restricts the two-unit townhome from exceeding 150 feet in height to prevent interference with the runway.

**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: The townhouse is in an approved subdivision and consistent with surrounding neighborhood.***

**Staff: The proposed two-unit townhome 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: Townhouses are consistent with our culture heritage and do not affect cultural or historical sites and archaeological areas.***

**Staff: The subject property is not known to be a cultural/historic sites or a archaeological area.**

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

***Applicant: Townhouses in phase 3 of Ranch Development fire prevention has been approved by the County. Sand Coulee Fire Dept. supports coverage of Ranch Development.***

**Staff: The proposed townhome will be serviced by the Sand Coulee Fire Department. The Foothills Ranch Subdivision has a fire suppression system.**

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

***Applicant: Ranch Development has a 5 acre park with playground and supports recreational opportunities.***

**Staff: The placement of the two-unit townhome will not negatively affect continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.**

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

***Applicant: Yes it helps the Growth Policy in Phase 3 and Cascade County.***

**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: Based on the information provided in the application, the proposed two-unit townhome will not result in a use more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights, this proposed project will be a residential use.**

### Motions:

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

- A. Move that Special Use Permits #008-2021 to allow the construction of a second dwelling unit on Block 014, Lot 006, Phase III of the Foothills Ranch Subdivision be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Move the Board to adopt the Staff Report in its entirety and **approve** Special Use Permits #008-2021 to allow the construction of a second dwelling unit on Block 014, Lot 006, Phase III of the Foothills Ranch Subdivision subject to the following conditions:
  1. The Applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
  2. Applicant obtains addressing from the GIS Department for E911 purposes.
  3. Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.
  4. The second dwelling unit cannot exceed 150 feet in height.

### Attachments:

- Special Use Permit Application
- Site Plan
- Vicinity & Zoning Maps
- Plat of Foothills Ranch, Phase III
- Applicable Zoning Regulations, highlighted
- Letter from Great Falls Public Schools

cc: Ranch Development LLC, Todd Martin