

STAFF REPORT
ZONING BOARD OF ADJUSTMENT
 Tuesday, October 26, 2021
 2:00 p.m.

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

SUP #018-2021

SUBJECT PROPERTY INFORMATION	
Name of Applicant & Owners:	Steve & Debbie Pascal 623 40 th Street South Great Falls, MT 59405
Legal Description:	Section 12, Township 19N, Range 04E, P.M.M., Cascade County, MT
Geo- Code:	02-2893-12-4-03-16-0000
Parcel Number:	4056500
Existing Zoning:	Mixed Use (MU) District
Requested Action:	To allow an accessory structure without a principal use (Garage, Private)
Surrounding Land Uses/Zoning:	North: Residential/ MU South: Residential/ MU East: Residential/ MU West: Residential/ MU
Current Land Use:	Undeveloped
Applicable Regulations:	Sections 7.5.11(12), 10, &16.1 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 Steve Pascal to allow an accessory structure without a principal use, namely a pole barn to be utilized for personal storage, on the Subject Property. The Applicant is requesting that a SUP be granted as required by Section 7.5.11(12)¹ 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.

¹ CCZR § 7.5.11 "Uses Permitted Upon Issuance of a Special Use Permit: (12) Garage, Private."

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 CCZR §§ 7 or Section 8.1.5. 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. Appeals of the ZBOA decision shall follow the process outlined in CCZR § 12.

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.

The ZBOA approval of the SUP shall be valid for only one particular use and shall expire one (1) 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.

Additional Findings of Fact:

1. The property is owned by Steve & Debbie Pascal.
2. The property is in the MU Zoned District. The Applicant plans to place a pole barn on the subject property to use for personal storage. This use would fall under the CCZR definition of Garage, Private². In the MU District a private garage is considered an accessory structure³. Currently, there are no other structures or uses on the subject property that can be considered a principal use for this accessory structure. An accessory structure without a principal use (Garage, Private) is allowed in the MU District with a SUP. CCZR § 7.5.11 (12)⁴.
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 October 17, 2021, and October 24, 2021, and mailed to adjacent property owners, via certified mail, and to interested agencies on October 7, 2021. As of writing this Staff Report, the Planning Department has not received written comments.
5. Access to the pole barn will be off Blaine Street. This is a County maintained road.
6. The subject property is located in the Military Overlay District, MOD-F (Outer Horizontal Surface), for Malmstrom Air Force Base. No structure in the MOD-F zone can be greater than 500 feet in height based on the elevation of the helicopter runway at Malmstrom (3,526 feet).

² CCZR § 2 “GARAGE, PRIVATE: A building that is intended to house vehicles and household items belonging to the owner of the subject property.”

³ CCZR § 2 “ACCESSORY BUILDING/STRUCTURE: A building or structure that is clearly incidental and subordinate to and customarily found with a principal use (includes accessory dwelling units in residential districts), including but not limited to barn, shop, shed, garage, etc.”

⁴ CCZR § 7.5.11 “Uses Permitted Upon Issuance of a Special Use Permit: (12) Garage, Private.”

7. The subject property is not located within 2,400 feet of a Missile Alert Facility or Launch Facility.
8. The property is located in the flood fringe of FEMA's Special Flood Hazard Area⁵ (SFHA) Zone AE. The Applicant has also submitted a Floodplain Permit Application to the Planning Department.

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: This poll barn will have a set back with no less than 20 feet from Blaine Street and will have no public access from the left, right or back side of the building. It's being designed and used as a single unit for personal property storage and will have no effect of the traffic flow on Blaine Street. There will be no effect on public health or safety.

Staff: Additional traffic impacts as a result of the placement of the pole barn is anticipated to be minimal.

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

Applicant: The only utility that will be incorporated in this building will be electrical. There will be no water, sewer, or garbage generated by the use of this structure. As the shell of the structure as well as the roof will be metal sheeting the risk of fire protection will minimal.

Staff: There will be minimal effect on the utilities at, or around the proposed parcels. Electrical systems will be required to comply with the requirements of the Cascade County Floodplain Regulations (CCFR). An address will be required by the GIS Department to ensure the structure can be located during an emergency and response time is not delayed (see Condition #2).

⁵ Subject Property is located in Zone AE based on FIRM Panel No. 30013C0641E.

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

Applicant: This building will be built using a number of posts set in post holes secured with concrete. There will be no change in the existing elevation with the exception of a base designed for a concrete floor. This project will have no adverse effect on the existing erosion, sedimentation or storm water run-off.

Staff: A significant amount of erosion and sedimentation is not anticipated for the placement of the pole barn. The Applicant is required to obtain an approved Floodplain Permit before the pole barn can be placed on the property.

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

Applicant: As this project will not have any water service provided to the structure, there will be no effect on the community, surface, or ground water supply.

Staff: The proposed structure will not have water or wastewater systems installed on site. Therefore, there should be no adverse effect to public, community, or private water supplies. A Floodplain Permit would be required for any work/development done on the property involving changes to the physical topography of the subject project to ensure no adverse effects would result to surface waters, including velocity, base flood elevation changes, and diversions.

- 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: As the purpose of this structure will be designed for personal use it will have no effect on public necessity. The proposed area of build is in the area of a number of these types of structures, there will be no adverse effect to the value of the surrounding property. The property to the west is also owned by my wife at this time.

Staff: The Planning Department does not anticipate that the pole barn will negatively impact the surrounding properties due to the surrounding residential uses in the vicinity.

- 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: This project will have no effect or deterrent to the public health, safety, or welfare for the community. We plan to take a vacant lot and erect an attractive storage building on it.

Staff: The proposed development is not a necessity to public health and safety to justify an impact on adjoining property. Construction and/or development in the SFHA carries considerable risk to property and life in a flooding event. However, if the Applicant obtains an approved Floodplain Permit for the placement of the pole barn, the Planning Department does not anticipate an effect on surrounding uses. The current surrounding 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: This pole barn (storage building) will be located in and around an area where there are a number of structures built serving the same purpose. The area has but a few upscale residential living areas but is comprised mainly of older structures and a country style living area. Conflicts in the area are neither expected or anticipated.

Staff: With the inclusion of the conditions of approval recommended, the pole barn will be in harmony with existing residential uses.

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: The town of Tracy as I have viewed does not have any trade businesses, retail businesses, or service businesses. To my understanding the town is made up of people who desire not to live in the city of Great Falls or have been in that location for a long time. Tracy is an area of residential dwellings and home owners needing storage areas.

Staff: The placement of pole barn will not have an impact on this Objective.

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

Applicant: The only purpose of this structure would be for storage of personal property. It would not have, use, or effect any of its natural resources.

Staff: The proposed pole barn will not affect the use of the 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 erection of a [pole] barn for storage will have no effect of the business development in or around the town of Tracy. As it is of today, the one existing business located in Tracy, The Tracy Bar, is for sale by the owners. The town of Tracy is not or will be in the long future a site of any revenue generating business or business relocation.

Staff: The proposed pole barn is for personal use; therefore, it will not negatively impact business.

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

Applicant: The proposed project will not have or is intended to have any effect to broaden Cascade County's economic base. This is being constructed in an area that is not designed or has ever been an area of development of cultural resources or tourism, but is located in a quite out of the way part of the county.

Staff: The placement of the pole barn will not negatively impact tourism or cultural resources.

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

Applicant: As stated in areas above this area is not one where anyone would be thinking of a revenue generating business. People live in this area because they enjoy the peace and quiet and space of living outside of the city. It allows them

to be able to live in an area and do things that would not be allowed if living in the city of Great Falls.

Staff: The placement of the pole barn 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: Again this area is not designed as a business environment. People enjoy living there because it is away from the business development incorporated within the larger towns and cities.

Staff: The proposed pole barn is for personal use 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: The only effect my personal storage building will have on the effect of any Cascade County business is that it will increase the population of the county by two. And our spending will now be done in Cascade rather than Yellowstone County.

Staff: The proposed pole barn will not negatively impact business, local shopping, or 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: The above stated purpose of this project is to provide personal property storage. It will have no effect on economic development, effect no other communities, or have any effect on available local resources other than the job and revenue provided to the local contractor and supplier of material to construct this building.

Staff: The proposed pole barn will not negatively impact economic development efforts.

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

Applicant: The growth of the agricultural economy will not be effected in anyway, good or bad, by the erection of this poll barn.

Staff: This project will not negatively impact the agricultural economy.

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

Applicant: This building is not designed to stimulate the growth of the economy. Again this will be a 30 x 64 foot building built for nothing but storage of personal property.

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: No effect on the above. This will be located in a somewhat developed area already.

Staff: According to the USDA Web Soil Survey⁶, the Subject Property is considered farmland of statewide importance. Due to the small parcel size (0.120 acres) and that the subject property is located within the town of Tracy, Staff does not believe the placement of the pole barn 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: This project will have no effect on any of the listed items. it is not located in any forest, rangeland, or anywhere near any stream of fishing access site. As a low density population area, people would not gather at this location to view wildlife.

Staff: The placement of the pole barn 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 proposed structure will have no effect on Cascade County's open space nor will it have any effect of encouraging development of the area.

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

Staff: The subject property is located within the town of Tracy and will need to obtain any other required county, state, or federal permits and comply with regulations associated with any other permits (see condition 1).

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

Applicant: *The planned [pole] barn will have no effect on the water quality or air quality of the area. It will be constructed will new material and will be one of the newer buildings in the small area surrounding it. As constructed it will be an unheated structure and will not have any water going to it.*

Staff: The subject property will need to obtain any appropriate approvals from the City/County Health Department for the pole barn. The placement of the pole barn 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: *This will be a poll barn for storage, it will have no effect on any of the above listed items.*

Staff: The placement of the pole barn 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: *This will not be constructed on any Superfund or Brownfields current property.*

Staff: The subject property is not located within a Superfund or Brownfields site⁷.

Goal 3: Maintain Agricultural economy

A. *Protect the most productive soil types.*

Applicant: *As this is not being built on any excessing or proposed agricultural land, there will be no effect or disruption to any productive soil of any type.*

Staff: According to the USDA Web Soil Survey, the Subject Property is considered farmland of statewide importance. However, the subject property is located within the town of Tracy and is not directly adjacent to agricultural land.

⁷ EPA Cleanups In My Community Map:

https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71:P71_WELSEARCH:NULL|Cleanup||||false|false|true|false|false|false||sites|Y

B. *Continue to protect soils against erosion.*

Applicant: The contour or elevation of the proposed site will not change so there will be no effect on the erosion process.

Staff: The Planning Department does not anticipate a significant effect on soil erosion from the placement of this pole barn if an approved Floodplain permit is obtained.

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

Applicant: As the size of this lot is 50 x 100 feet and there will be no change in the existing elevation or features of the property or the surrounding property there will be no effect to the existing floodplain.

Staff: The subject property is located in a SFHA of the FEMA Floodplain and will require an approved Floodplain Permit (see Condition 3). The Applicant has stated this structure is not going to be used for agricultural purposes, but to store personal items.

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

Applicant: As this project, a [pole] barn for personal storage, is not agricultural related there will be no effect of any value-added agricultural industry in the county.

Staff: The proposed pole barn 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: This project will have zero effect on the US Military in Cascade County. The only encouragement that could be and will be provided is our voice and concern to our congress persons as to the importance of the military in and around Cascade County.

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

Applicant: The only promotion of the military by use will be through our voice and by electing those people who and would support the presence of them in Cascade County.

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

Applicant: The only way this project would have an effect on that is as mention[ed] above.

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

Applicant: Not at all sure how requesting the ability to build a pole barn would have any effect on resolving conflicts.

Staff: The placement of the pole barn will not negatively affect military presence. However, the placement of the second dwelling is in MOD-F of the Military Overlay District which restricts the second dwelling from exceeding 500 feet in height to prevent interference with the runway (see Condition #4). The pole barn is not located within 2,400 feet of a Missile Alert Facility or Launch Facility.

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: As stated before, this project is being located in and around an area that will not disrupt anyones independent lifestyle and will have a little if any change in the economy, lifestyle, or population in or surrounding the town of Tracy.

Staff: The proposed pole barn 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: This project will have no effect on the cultural heritage or the natural resource developments in the area. And it will have no effect on any historic site or archaeological area.

Staff: The subject property is not known to be a cultural/historic site or an 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: This will be an improvement to the lot, i.e. a reduction of fire fuel, and will consist of a metal building thus reducing the chance of a [structural] fire.

Staff: The proposed second dwelling will be serviced by the Sand Coulee Volunteer Fire Department.

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

Applicant: As we will be relocating back to Cascade County we will become tax payers and show our support for the items mentioned above.

Staff: The placement of the pole barn 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: Do not know of a growth policy in place for the town of Tracy, however the proposed structure will be one conforming to the surrounding area and will be a "fit" as to what incorporates the area.

Staff: The application is not anticipated to 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 pole barn will not result in a use more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights, this proposed project is considered an accessory structure to a residential use and is compatible with the other surrounding residential uses.

Motions:

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

- A. Move that Special Use Permits #018-2021 to allow an accessory structure without a principal use (Garage, Private) on Parcel #4056500, 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 with Findings of Fact and **approve** Special Use Permits #018-2021 to allow an accessory structure without a principal use (Garage, Private) on Parcel #4056500, subject to the following conditions:

1. The Applicant obtains any other required county, state, or federal permits and approvals, and comply with the laws, rules, regulations, and/or ordinances associated with any other permits and approvals.
2. Applicant obtains addressing from the GIS Department for E911 purposes.
3. Applicant obtains an approved Floodplain Permit.
4. The pole barn cannot exceed 500 feet in height.

Attachments:

- Special Use Permit Application
- Site Plan
- Vicinity & Zoning Maps
- FIRMette
- Applicable Zoning Regulations
- Comment

cc: Steve & Debbie Pascal