

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, November 18, 2021
9:00 a.m.**

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

SUP #034-2021

SUBJECT PROPERTY INFORMATION	
Name of Applicants & Owners:	Madison River Lodge LLC 76 Lucille Ln Bozeman, MT 59718-8925
Legal Description:	SE ¼, Section 17, and the NE ¼, Section 20, Township 16 North, Range 2 West, MPM
Geo- Code:	02-2555-17-1-01-40-0000
Parcel Number:	3670500
Existing Zoning:	Mixed Use-20 (MU-20)
Requested Action:	Approval of a Special Use Permit to allow an Outfitter/Guide Facility
Surrounding Land Uses/Zoning:	North: Vacant Rural/ MU-20 South: Centrally Assessed/Burlington Northern Right-of-Way East: Residential/MU-20 West: Residential/MU-20
Current Land Use:	Residential
Applicable Regulations:	Sections 7.6.11 (29), 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 Brian McGeehan (Madison River Lodge LLC) to allow an Outfitter/Guide Facility on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.6.11(29)¹ of the CCZR.

General Provisions

¹ CCZR § 7.6.11 "Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit as set forth under MU-20 District regulations. Pursuant to CCZR § 7.6.11(29), under the MU-20 District, allows use of an Outfitter/Guide Facility structure meeting the definition of "A facility that: (a) uses one or more permanent structures, one (1) or more of which have running water, sewage disposal, and a kitchen; (b) furnishes sleeping accommodations to guests; (c) offers hunting, fishing, or recreational services in conjunction with the services of an outfitter or guide, as defined in MCA § 37-47-101; and (d) is a small establishment or a seasonal establishment. See MCA § 50-51-102(7), upon the issuance of a SUP."

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 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 Madison River Lodge LLC.
2. The property is in the MU-20 Zoned District. An Outfitter/Guide Facility is allowed in the MU-20 District with a 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 January 10, 2022, and January 17, 2022 and mailed to adjacent property owners, via certified mail, on January 7, 2022.
5. Access to the Outfitter/Guide Facility will be from Cooper Dr. This is a privately maintained road.
6. The Outfitter/Guide Facility is not located in the Military Over Lay District (MOD)
7. The Outfitter/Guide Facility is not located within 2,400 feet of a Missile Alert Facility or Launch Facility.
8. The Outfitter/Guide Facility is not located within the reach of the Great Falls International Airport.

9. The property is not located in the Regulated Flood Hazard Area².

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: Additional traffic will be minimally affected as most guests will arrive via shuttle transportation.

Staff: The Planning Department does not anticipate additional traffic as a result of the addition of the Outfitter/Guide Facility. The applicant anticipates customers being shuttled from Great Falls or Helena. Guests that drive to the property will have parking on the north side of Cooper Drive within the parcel.

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

Applicant: Utilities have already been installed to the standing structure, septic included

Staff: There will be minimal effect on the utilities at, or around the proposed parcels. Subsurface Wastewater Treatment System Permit #076-00 has already been obtained for the living quarters above the garage, and Septic permit #133-09 has been obtained for the house. Per the City-County Health Department, there appears to be room for a replacement system across Cooper Drive. Licensure for a Septic permit to be used for an Outfitter/Guide Business is not required.

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

Applicant: Structure is located on a bedrock cliff. Gutters and water collection have been in place with no signs of erosion.

² Subject Property is located in Zone X based on FIRM Panel No. 30013C0345E.

Staff: A significant amount of erosion and sedimentation is not anticipated due to the location of the property and the soil type. Ponding from stormwater run off is not anticipated due to the castner-perma rock outcrop's ability to drain water.

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

Applicant: Wells is in place for existing structure (main house and guest quarters above garage). No possible adverse effects on surface or ground water.

Staff: A condition of approval is recommended that will require the Applicant to obtain appropriate permits and approvals (see Condition #1).

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: No relationships will be harmed with change of use. Surrounding areas have similar operations running and have seen no adverse reactions or depreciations in value.

Staff: The Planning Department does not anticipate that the Outfitter/Guide facility will negatively impact surrounding property values, due to the amount of lodges currently operating in the vicinity, as well as the number of outfitters located on the Missouri River.

- 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: The property will bring more income to surrounding businesses and taxes to the county/state. As well as creating sustainable jobs for rural development.

Staff: The Planning Department does not anticipate that the Outfitter/Guide Facility will decrease the value of surrounding uses. It is not a necessary public use to justify negatively impacting adjacent property values.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a) The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: The development will be a high-end operation that will coincide with our outdoor recreation business directed towards bringing tourism to the Cascade County region. No conflict is expected with only expectations of driving tourism and providing stable careers for local citizens.

Staff: The subject property is near a multitude of lodges as well as Outfitter/Guide operations.

5. The proposed development will be consistent with the Cascade County Growth Policy.

- a) *Consistency with the municipal and joint land use plans incorporated by the Growth Policy*

Applicant: I work consistently with community leaders to maintain an open communication for a growth plan for an ever-changing Montana populus.

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: By using our extensive client base, we will drive tourism to the Cascade County via the development of our lodge.

Staff: The placement of the Outfitter/Guide facility could target out of area clientele which could have a positive impact on local businesses within Cascade County.

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

Applicant: We will work closely to engage and create plans for a sustainable use plan for area rivers.

Staff: The proposed Outfitter/Guide Facility will utilize natural resources, namely the Missouri River, to increase the tax base within Cascade County.

- 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: Engage with growing the local businesses by driving more foot traffic through the county with guest engagement.

Staff: The proposed Outfitter/Guide facility will utilize public access to the Missouri River as its most utilized asset. The proposed use complements the surrounding business uses within this portion of Cascade County.

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

Applicant: We have a very strong SEO as well as social media presence to drive and stimulate the Cascade County tourism via the outdoor recreation industry. We are consistently highlighted in both national and international various media companied do to our partnership with the Orvis company.

Staff: A strong social media presence, has the opportunity to drive tourism to Cascade County. The proposed Outfitter/Guide Facility would broaden Cascade County's economic base.

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

Applicant: We have developed two other lodges in Montana that have driven tourism to the local communities. We have established consistent jobs for the local community which stimulates the local economy as well.

Staff: The proposed use is could stimulate entrepreneurship within Cascade County. This could be done by contracting a kitchen staff or hospitality staff.

- 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: Engage with local business owners and leadership to promote a strong sense of community within Cascade County.

Staff: The proposed use has the ability to promote a strong local business environment, by providing recommendations to the tourists. It is not anticipated that this use would negatively impact the 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: Engage in driving local shopping/business development via social media posts as well as having local establishments present in “about area” information online and in brochures at lodge.

Staff: The proposed use plans on creating an area online to promote local businesses. Local businesses may also be featured on the social media pages for the use. This would positively promote local shopping.

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: Engage with local community leaders and business owners to better the communities in various projects.

Staff: The proposed Outfitter/Guide Facility will not negatively impact economic development efforts.

I. Encourage the growth of the agricultural economy.

Applicant: The lodge will purchase locally sources beef and products when available.

Staff: The proposed use could have a positive impact on the agricultural economy through the purchasing of locally sourced meat and products. Without the purchasing of locally sourced meat and products, the use would 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: We have engaged with solar energy companies for our lodge on the Madison River and will do so in the community of Cascade County to promote sustainability.

Staff: The proposed use will utilize alternative methods of energy production, mainly solar energy.

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: As an outdoor recreation company, we promote sustainability for natural resources and wildlife management.

Staff: According to the USDA Web Soil Survey³, the Subject Property is not considered farmland of statewide importance. The placement of the Outfitter/Guide Facility on a residential lot will not 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: *Engage with the local community to protect the natural resources of Cascade County as well as all of Montana.*

Staff: The proposed use will utilize Cascade County's scenic beauty, streams and good fisheries. The use will not have a negative impact.

- 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: *Vote for community standards and maintain the natural setting of the lodge on the property itself.*

Staff: The subject property is located South of Cascade. This proposal is for a change in land use and will not be adding any new structures.

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

Applicant: *Engage with river cleanups and community outreach for prosperous future for the next generation of Montana recreation.*

Staff: The subject property will not negatively impact clean air, clean water, or a healthful environment. River clean ups will maintain a good community appearance while preserving the natural resources of the county.

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

Applicant: *Continuous support for renewable energy production and the local economy.*

Staff: The placement of the Outfitter/Guide Facility will not have a negative or positive 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.*

³ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Applicant: Engage within local community to stimulate redevelopment of EPA programs for future progression of cleanups.

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: Agree to protect all soil types. Lodge location will not be a detriment to farm land and or fertile soils.

Staff: According to the USDA Web Soil Survey⁴, the Subject Property is not considered farmland of statewide importance. The use of the property will have minimal impact on the most productive soil types.

B. Continue to protect soils against erosion.

Applicant: Lodge is located on bedrock/ rock cliffs and will not add to erosion issues.

Staff: The Planning Department does not anticipate a significant effect on soil erosion from the placement of this Outfitter/Guide Facility. The Subject Property is approximately 17.900 acres.

C. Protect the floodplain from non-agricultural development.

Applicant: Support for keeping floodplain agriculturally sound will be on the forefront of any vote needed to protect local community.

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: The lodge will buy locally sourced goods whenever possible to support local Cascade County industries.

Staff: The proposed Outfitter/Guide Facility will not negatively affect the agriculture industry.

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

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

Objectives:

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

Applicant: Our company hires veterans at key roles and supports military functions across the state.

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

Applicant: Our company will support additional military missions in Cascade County.

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

Applicant: Our company will support the reactivation of the runway.

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

Applicant: A PDF copy of the 2012 Malstrom AFB is on our companies shared drive if any conflicts arrive.

Staff: The placement of the Outfitter/Guide Facility will not negatively affect military presence. The Outfitter/Guide Facility is not located within the Military Overlay District and is not located near 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: Engage with local boards to ensure the progression of a successful Cascade community.

Staff: The proposed Outfitter/Guide Facility will have little impact on the independent lifestyles of Cascade County's citizens.

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: The lodge will have information on the history located in the area with the intention of educating our clientele and drive future tourism.

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: All lodge specific fire measure are engaged with guests and staff to promote fire safety during fire season and beyond.

Staff: The proposed Outfitter/Guide Facility will be serviced by the Dearborn Rural Fire Department, and is considered having a High risk terrain/fuel hazard and is located in the Wildland Urban Interface⁵.

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

Applicant: We have engaged in a “30 back” program that gives 30% back to youth programs and outdoor education.

Staff: The placement of the Outfitter/Guide Facility will not negatively affect continued development of educational programs and facilities, and will provide recreational opportunities and spaces for all county residents.

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

Applicant: This is a residential area and the SUP stays with in said character.

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 Outfitter/Guide Facility 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.

⁵ Based on the Community Fire Plan Wildland-Urban Interface Cascade County and Dearborn FSA Map.

Motions:

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

- A. Move that Special Use Permits #034-2021 to allow the construction of a private garage without a principal use on Parcel #3670500, 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 #034-2021 to allow the construction of a private garage without a principal use on Parcel #3670500 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 an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department if required for the change of use.
 3. A separate Location/Conformance Permit must be obtained for any sign that is placed on the premises to ensure it meets the requirements of the the Cascade County Zoning Regulations.

Attachments:

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

cc: Madison River Lodge LLC & Brian McGeehan