

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT
Thursday, January 20, 2022
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 #035-2021

Subject Property Information

Name of Applicant & Owner:	Archie & Lacey LaFurge 1116 Adobe Dr. Great Falls, MT 59404
Legal Description:	Lots 1-6 of Block 15 of the Highland Park Subdivision in Section 13, Township 20 North, Range 03 East, P.M.M., Cascade County, MT
Address:	1224 19 th Avenue South, Great Falls, MT 59405
Geo- Codes:	02-3015-13-4-29-12-0000 & 02-3015-13-4-29-08-0000
Parcel Numbers:	2073000 & 2073100
Existing Zoning:	Mixed Use (MU) District
Requested Action:	Approval of a Special Use Permit to allow the use of Vehicle Repair
Surrounding Land Uses/Zoning:	North: Residential/MU South: Residential/MU East: Residential/ Single-Family High Density (R-3) City of Great Falls West: Public recreation and athletic fields / Park Open Space (POS) City of Great Falls
Current Land Use:	Residential
Applicable Regulations:	Sections 7.5.11 (31), 10, & 16.1 of the Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment (“ZBOA”) is in receipt of a Special Use Permit (“SUP”) Application from Archie LaFurge to allow the use of Vehicle Repair on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.5.11 (31) of the Cascade County Zoning Regulations (“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.

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. Archie & Lacey LaFurge are the legal owners of the Subject Property.
2. The Property is in the Mixed Use (MU) Zoned District. The use of Vehicle Repair¹ is allowed in the MU District with a SUP. CCZR Sections 7.5.11 (31)².
3. The Property is not known to be in violation of any CCZR or any other County Ordinance(s), and the county taxes are current.
4. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on January 9, 2022, and January 16, 2022. Legal Notice of the Application and the public hearing was mailed to surrounding property owners, via certified mail, and mailed to interested agencies on January 11, 2022.

¹ CCZR § 2: Vehicle Repair: "A place and/or building, or portion thereof, that is used or is intended for maintenance, service, and repair of vehicles less than 26,000 GVW; typical services include transmission repair, body work and painting, brake repair, vehicle upholstery, tire shop, engine repair and overhauls, and similar activities".

² CCZR § 7.5.11 (31): "Uses permitted upon issuance of a Special Use Permit" "(31) Vehicle Repair".

5. Access to the Property will be off a current approach from 13th Street South. 13th Street South is an asphalt road and is maintained by the City of Great Falls.
6. The Applicant plans to aggregate the Subject Property combining Lots 1-6 of Block 15 of the Highland Park Subdivision (See condition 2).
7. The Property is not located within 2,400 feet of a Missile Alert Facility or Launch Facility but 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).
8. The Subject Property is not located in a Regulated Flood Hazard Area³.

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, sight lines at street intersection, and approaches:

Applicant: Currently the property offers 2 [approaches] from 13th St So. Both approaches will be used in the [property] development. The primary approach will allow customers to access [the] main parking lot and should not [interfere] with the flow of traffic. The second approach will be used [for] waste management, deliveries and employee parking.

Staff: An increase in vehicles for this area is expected for this proposed use. The Applicant is proposing to have 7 parking spaces in the front of the building as well as additional parking in the back of the building. Based on the Application, the front parking lot will be used primarily for day-to-day customers, All employees will park in the additional parking area in the back of the property. Delivery

³ The Subject Property is located in Flood Zone D based on FEMA FIRM Panel #30013C0606E.

and service vehicles will have multiple ways of accessing the Property depending on the delivery/service. The City of Great Falls Civil Engineer and Senior Transportation Planner did not have an issue with the Applicant using the existing approach as long as they are not doing any construction to the portion of the driveway located within the right-of-way.

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

Applicant: The property already offers all of these services. Some of the existing services will have to be updated and/or upgraded. Starting with an update on the septic tank to be tied [into] existing drain field (Permit already [acquired]). Electrical and Gas services will likely have to be upgraded to [accommodate] new shop, Both Energy West and Northwestern Energy will be [contacted].

Staff: Minimal effect on the utilities at, or around the proposed parcels are anticipated. Condition #1 is proposed to require all necessary permits and/or approvals. In case of an emergency, the Property is officially addressed and in the emergency 911 system.

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

Applicant: The site grading and drainage plan was developed by a [licensed] civil engineer to address erosion and sediment. We have designed our lot with all proper grading and run off in mind. The lot will consist of a combination of Concrete Gravel mix, Asphalt and Grass will make up the lot and we [don't] foresee any issues.

Staff: Condition #1 is recommended to address this objective. The Cascade County Municipal Separate Storm Sewer System (MS4) Coordinator commented that this Property is located within the MS4 permit boundaries and may be subject to permit compliance.

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

Applicant: The [existing] [drainfield] is more [than] adequate for our future shop, if anything we will be decreasing flows to the drainfield. In addition we will be adding an oil/water [separator] in line to an evaporative lined pond to catch all water that may enter floor drains in our shop. These provisions should not only be adequate, but most likely better than [existing].

Staff: Condition #1 is recommended to address this objective. This condition will require the Applicant to obtain appropriate permits through the City-County Health Department, if applicable, along with any other required permits and approvals from other Departments and Agencies.

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: The proposed facility will be new construction and [aesthetically] pleasing, being a business. Property values should not be negatively impacted. To the South is industrial, to the West is Park and Rec, to the North Mixed Use and to the East is Residential. There are similar shops by size and services less than a block away, We do not foresee conflicts of any kind.

Staff: The Subject Property is located near multiple land uses and zoning districts. To the South are parcels zoned as MU and I-1 (City) with residential and commercial uses. To the East are parcels zoned as R-3 (City) with residential uses. To the North and West are parcels zoned as MU and POS (City) with residential and public recreational uses. the Applicant also plans to conduct most of the vehicle repair services indoors. Based on the Applicants response, the mix of the surrounding uses, and the addition of Condition #1, conflicts between the surrounding uses are not anticipated.

- 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 construction of the shop at the discussed property is an automotive reconditioning business, therefore [it] is not necessary to the public health and safety. The new shop will compliment shops nearby and assist surrounding neighbors and community. The facility is not anticipated to have any negative impact on the value of adjoining properties.

Staff: The proposed use is not necessary for the public health, safety, and general welfare of the community to justify it regardless of impacts.

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

Considerations:

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

Applicant: The [proposed development] and newly constructed shop will be in harmony in the neighborhood as well as [complement] the existing businesses in the surrounding area. Conflicts are unanticipated as most work is performed within the shop, therefore no additional noises, dust or clutter on the lot are anticipated, with the exception construction of [the] shop.

Staff: The surrounding uses to the Subject Property are residential, commercial and public uses, the Applicant also plans to conduct most of the vehicle repair services indoors. Based on the Applicants response, the mix of the surrounding uses, and the addition of Condition #1, conflicts between the surrounding uses are not anticipated.

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 [owner] of this property is applying for a special use permit in order to allow him to construct a shop and relocate an existing business to a new location. If granted, this will be a benefit to the existing business by allowing expansion. Other local businesses are anticipated

to benefit as well with the additional materials and services required for expansion.

Staff: This project will stimulate the retention and expansion of business within Cascade County.

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

Applicant: The nature of this business is primarily for automotive cosmetics and accessories, so there are limited natural resources that can be utilized. Currently, the taxable value of the property is \$1,593.82 per year. Comparing that to a business similar in size and service located a block south is \$4,732.41, so it is likely taxable value will increase with construction.

Staff: The proposed business will have a positive impact on the County's tax base. The Application material does not propose the use of 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: This permit, if granted will allow for expansion and growth of an already existing local business that services and utilizes the services of other local businesses. The expansion and operations of the business would result in the need of many different services in the area supporting local business and allowing other local businesses to grow.

Staff: The proposed use complements existing businesses and is compatible with the community. South of the Subject Property is the City's light industrial (I-1) District which includes commercial uses and an existing vehicle repair shop. No negative impact is anticipated to businesses in the manufacturing/heavy industry, telecommunication, and youth/social services as a result of this rezone proposal.

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

Applicant: With this permit it allows the property owner to remove old, dilapidated and unsightly structures that currently exist on the property and construct a new [facility] for the automotive business. There will likely

be no direct impact on cultural resources or tourism, but the improvement will aesthetically improve the area.

Staff: The Planning Department does not anticipate an effect on cultural resources or tourism as a result of this proposed project.

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

Applicant: With this permit the property owner, an entrepreneur having started his business (MARS of Great Falls) in December of 2012. Currently, the business rents space to operate. Space is limited thereby limiting growth and expansion. Construction of a new facility will allow the business to expand and employ more individuals.

Staff: The proposed use has the possibility to foster and stimulate 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: This permit will allow the property owner the opportunity to further engage with local business organizations. The property owner is a supporter of local business and this permit will allow for the relocation and expansion of a local business.

Staff: The proposed use promotes a strong local business environment through its contribution to the economy of Cascade County.

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

Applicant: With this permit the property owner can develop this property with a newly constructed shop. That would allow for the expansion of an existing local business to offer a variety of services and products to customers across the county and throughout the region.

Staff: The Applicant's established business will have a positive impact on local shopping within Cascade 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: *The property owners business requires the engagement and demand of multiple businesses both locally and across the region. This permit would allow the owner to further develop this property and would provide for the continuation of support for these business as well as the potential to create new business relationships in the region.*

Staff: A vehicle repair shop is a value-added business to other surrounding businesses by way of ordering parts or working on the vehicles of other County businesses.

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

Applicant: *This special use permit , if granted would not have any positive or negative impact on the agricultural economy as it is for the construction of a new automotive shop within the urban setting.*

Staff: This proposed project is not anticipated to have a negative impact on the agricultural economy.

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

Applicant: *The special use permit would allow for the construction of a new [automotive] cosmetic and accessory type shop. The construction of the new shop is not anticipated to adversely impact alternative energy production within the county.*

Staff: The use of alternative methods of energy production, including wind energy, was not included in the application material for this proposed rezone. Therefore, no impact is anticipated.

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: *The subject property and associated improvements are not located in a agricultural or wooded area, Therefore there are not any negative impacts anticipated on agricultural or wooded areas.*

Staff: The proposed project is not located near land used for agricultural purposes. No impact on agriculture or forestry land is anticipated.

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

Applicant: The subject property is in close proximity to other mixed use and commercially zoned [properties]. This Permit will allow property owner to remove old [dilapidated] buildings and construct a new shop. The property is not near agricultural land, forest, or streams and therefore will not have any adverse impacts to wildlife and fisheries.

Staff: The Subject Property is surrounded by the City of Great Falls and is not located near forests, rangelands or streams. A negative impact on Cascade County's scenic beauty is not anticipated.

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 permit will allow [the] property owner to construct [a] new building for an [existing] business. The property is mixed use within the county and is adjacent to the City of Great Falls.

Staff: This proposed project is located in an area adjacent to developed parcels within Cascade County and the City of Great Falls. This project will preserve Cascade County's open space setting.

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

Applicant: The proposed Development of this property is [anticipated] to reduce wastewater flows to the subsurface wastewater treatment system by two thirds changing from a single family residence to a business. An oil water [separator] and lined pond to collect drain water [is] planned in new construction. Also new facility will be [aesthetically] pleasing.

Staff: The Subject Property will need to obtain any other required county, state, or federal permits and comply with regulations associated with any other permits to assure clean air, clean water, and a healthful environment (see Condition #1). Landscaping is a requirement within the MU District to promote a good community appearance.

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

Applicant: The development of this property will have no adverse impacts on natural resource development.

Staff: This proposed project is not anticipated to have an impact on the development of natural resources.

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

Applicant: *The subject property is not within any known superfund/brownfield areas.*

Staff: According to the Environmental Protection Agency's website⁴ the Subject Property is not a site that is undergoing Superfund and Brownfields processes.

Goal 3: Maintain Agricultural economy

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

Applicant: *According to <http://websoilsurvey.sc.egov.usda.gov/App/websoilsurvey.aspx> the area is not [located] within [an] area of prime or unique farmland.*

Staff: According to the United States Department of Agriculture (USDA) Natural Resources Conservation Services Web Soil Survey⁵ the soil located on this Property is not prime farmland.

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

Applicant: *A grading and drainage plan has been developed. Surfacing will consist of gravel, plant mixed asphalt and concrete. Proper erosion control BMP's will be implemented during construction. Once the site is complete erosion is not anticipated to be an issue.*

Staff: Significant effect on soil erosion from this project is not expected.

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

Applicant: *Per current flood insurance rate maps, the property is not located within or near a regulatory floodway/floodplain.*

⁴ [Cleanups in My Community | Cleaning Up Our Land, Water and Air | US EPA](https://www.epa.gov/cleanups/cleanups-my-community)
[Search for Superfund Sites Where You Live | Superfund | US EPA](https://www.epa.gov/cleanups/cleanups-my-community)
<https://www.epa.gov/cleanups/cleanups-my-community>

⁵ [Web Soil Survey \(usda.gov\) https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx)

Staff: The Subject Property is not located 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 property is not in close proximity to any agricultural land. When [the] new shop is constructed, area products will be utilized to as much extent as possible.

Staff: The intent of the proposed project is not for agricultural purposes and will not directly impact the agricultural 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: The property in which the shop will be constructed is not anticipated to have any impact on military activity. The shop does and will continue to provide services to military personnel.

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

Applicant: Military missions are not applicable to subject property.

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

Applicant: The subject property is distant from MAFB runway, therefore will not be counterproductive to the reactivation of the of the runway at MAFB.

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

Applicant: The subject property is distant from MAFB, therefore will not interfere or affect anything in the joint land use study.

Staff: The proposed project is located in the Military Overlay District, MOD-F (Outer Horizontal Surface), for Malmstrom Air Force Base and is not located within 2,400 feet of a Missile Alert Facility or a Launch Facility. No impact on the presence of the U.S. Military in Cascade County is anticipated.

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 Permit would allow property owner to further develop his established business to better serve our local community and other businesses.

Staff: The proposed project will not impact Cascade County's citizen's independent 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: The Business owner is [committed] to construct his shop to be in harmony with the area. There are no known historical sites in the area, so the [development] of this property will have no adverse impact on [natural] or cultural resources or archeological sites.

Staff: The Subject Property is not known to be cultural/historic sites or 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: The [subject] property is within an already developed area. there are [athletic] fields to the west, 13th Street South to the East and residence to the North and South, so there is no wild land /urban [interface]. Development in the area is not dense so fire hazards are anticipated to be minimal.

Staff: Based on the Community Fire Plan Wildland-Urban Interface Cascade County and Dearborn FSA Map, the Subject Property is located in the Wildland Urban Interface area and is categorized as a low-risk area. This Property is located within the City of Great Falls Fire Rescue Station 1 District. Sand Coulee Fire District is the closest County fire station district.

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

Applicant: The development of this property is not anticipated to have any impact (positive or [negative]) on the continuation of the development of educational programs, recreational [opportunities] and/or health services.

Staff: The proposed use 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: The proposed development is [contingent] with the municipal and joint land use growth policy.

Staff: The Application will 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 Application material, the proposed use will not result in a use more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights. In the Use Statement Form that was submitted, the Applicant states that most of their services produce little to no nuisances and will be done mostly indoors. The Applicant plans to insulate the proposed building to reduce the noise during services, and to install proper filters and ventilation systems to reduce any dust or fumes. The proposed hours of operation for this business are normally Monday through Friday, 7AM to 6PM.

Motions:

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

- A. Move that Special Use Permit #035-2021 to allow the use of Vehicle Repair on Lots 1-6 of Block 15 of the Highland Park Subdivision in Section 13, Township 20 North, Range 03 East, P.M.M., Cascade County, MT, 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 #035-2021 to allow the use of Vehicle Repair on Lots 1-6 of Block 15 of the Highland Park Subdivision in Section 13, Township 20 North, Range 03 East, P.M.M., Cascade County, MT, subject to the following conditions:

1. The Applicant obtains and comply with any other required county, state, or federal permits and approvals.
2. The Applicant causes to be filed an Amended Plat aggregating Parcel Nos. 2073000 & 2073100.

Attachments:

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

cc: Archie & Lacey LaFurge