

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

Thursday, May 19, 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 #005-2022

SUBJECT PROPERTY INFORMATION	
Applicant(s):	Keaster Construction, Inc. P.O. Box 501 Belt, MT 59412-0501
Owner(s):	Joe & Krista Gaylord 240 East Highwood Road Belt, MT 59412-0219
Legal Description:	Tract 1AA of COS 4602, Section 19, Township 19 North, Range 07 East, PMM, Cascade County MT
Geo- Code:	02-2896-19-1-04-04-0000
Parcel Number:	5244950
Acreage	20 acres
Existing Zoning:	Agricultural (“A”) District
Requested Action:	Approval of a Special Use Permit to allow a 2 nd dwelling.
Surrounding Land Uses/Zoning:	North: Agricultural/A South: Agricultural & Residential/A East: Agricultural & Residential/A West: Agricultural/A
Current Land Use:	Residential
Applicable Regulations:	Sections 7.7.11(28), & 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 Keaster Construction, Inc. to allow a 2nd dwelling with an attached garage on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.7.11(28)¹ of the CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits. Notably, this property is not known to be in violation of the CCZR or any other County ordinances, and county taxes are current.

¹ CCZR § 7.7.11 “Uses Permitted Upon Issuance of a Special Use Permit: (28) Second Single-Family Dwelling on parcel less than forty (40) acres.”

Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on May 8, 2022, and May 15, 2021 and mailed to adjacent property owners and interested agencies, via certified mail, on May 3, 2021.

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: N/A County Road—Light [Traffic]

Staff: Access to the new dwelling unit will be from East Highwood Road. This is a Cascade County road. The Planning Department does not anticipate significant amounts of additional traffic as a result of the addition of the second dwelling.

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

Applicant: NA Fire protection [is] 2 miles away[.] County dump site [is] 3 miles. [Serviced by] NW Energy, sewer septic, water well[.]

Staff: There will be minimal effect on the utilities at, or around the proposed parcels. Condition #3 is proposed to require all necessary permits for wastewater from the City-County Health Department. Condition #2 is proposed to ensure that in the event of an emergency the second dwelling is addressed separately to assist with locating the subject property to prevent avoidable delay and increase emergency response time.

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

Applicant: NA In the County—20 acres[.]

Staff: A significant amount of erosion and sedimentation is not anticipated.

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

Applicant: Septic and sewer separated by 150'.

Staff: A condition of approval is recommended that will require the Applicant to obtain appropriate permits (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: Does not affect [anyone's] view or drainage to any other property owner.

Staff: The Planning Department does not anticipate that the second dwelling will negatively impact the surrounding properties due to the surrounding residential and agricultural uses in the vicinity, and large parcel size.

- 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: Far enough away from adjoining propert[ies]. About in the middle of [the] 20 acres.

Staff: The second dwelling is not so necessary to the public health, safety and general welfare of the community as a whole.

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: Will be close to other lots that are already subdivided into 20 acres.

Staff: The subject property is surrounded by agricultural and residential uses. The large tract size will help it remain in harmony with the surrounding agricultural uses.

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

Applicant: *Inline with this[.]*

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

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: *NA to businesses.*

Staff: The placement of the second dwelling 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: *[Blank].*

Staff: The proposed second dwelling 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: *Not [a] business[.]*

Staff: The proposed second dwelling 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: *NA*

Staff: The placement of the second dwelling will not negatively impact tourism or cultural resources.

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

Applicant: Nice looking home to go with [the] landscaping and beauty of other houses[.]

Staff: The placement of the second dwelling 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: Yes[,] they will [.]

Staff: The proposed second dwelling 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: Shop local[!]y right now. Kids attended school in Belt[.]

Staff: The proposed second dwelling 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: Yes[.]

Staff: The proposed second dwelling will not negatively impact economic development efforts.

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

Applicant: Will[...]

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: If its available[.]

Staff: This Application does not propose the use of wind energy or other alternate methods of energy production within their submitted application materials.

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: Plant trees and landscape[.]

Staff: According to the USDA Web Soil Survey², the Subject Property does not contain farmland of statewide importance. The placement of the second dwelling 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: Plant natural grasses and don't create an eye sore[.]

Staff: The placement of the second dwelling 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: Yes[,] we will[.]

Staff: The subject property is located approximately 2.7 miles from the Town of Belt. This proposal supports the objective.

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

Applicant: Protect environment

Staff: The subject property will need to obtain approval from the City/County Health Department for water/waste water of the second dwelling (see Condition #3).

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

Applicant: Very supportive

Staff: The placement of the second dwelling will not have a negative impact on natural resource development.

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

F. 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: Yes[.]

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: Produce and protect valuable topsoils.

Staff: According to the USDA Web Soil Survey³, the Subject Property is not considered farmland of statewide importance. The property consists of approximately 28% of shane silty clay and 72% of eltsac clay.

B. Continue to protect soils against erosion.

Applicant: Create water brakes

Staff: The Planning Department does not anticipate a significant effect on soil erosion from the placement of this second dwelling. The Subject Property is approximately 20 acres. If more than one acre is disturbed during construction, a General Permit for Storm Water Discharges Associated with Construction Activity will be required by the Montana Department of Environmental Quality (see Condition #1).

C. Protect the floodplain from non-agricultural development.

Applicant: No flood plain

Staff: The location of the subject property is not in a Regulated Floodplain Hazard Area.⁴

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

Applicant: Use products from [the] County, town, and state[.]

Staff: The proposed second dwelling will not negatively affect the agriculture industry.

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

Objectives:

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

⁴ Subject Property is located in Zone D based on FIRM Panel No. 30013C0700E.

- A. *Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. *Promote the location of additional military missions in Cascade County.*
- C. *Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. *Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: Yes

Staff: The placement of the second dwelling will not negatively affect military presence. The subject property is not located within the Height Military Overlay District and is not 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: Yes[,] we will[.]

Staff: The proposed second dwelling 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: Yes[,] we will[.]

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: Yes[,] for fire protection[.]

Staff: The proposed second dwelling will be serviced by the Belt Rural Fire Department, and is not 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: Yes[,] [o]ne owner superintendent of Belt and [the] other is a teacher. [They] [h]ave 5 kids in school[.]

Staff: The placement of the second dwelling will not negatively affect continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.

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 second dwelling will not result in a use more objectionable to nearby properties because of noise, fumes, vibrations, or flashing lights.

Motions:

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

- A. Move that Special Use Permit #005-2022 to allow the construction of a second dwelling unit with attached garage on Parcel #5244950, 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 Permit #005-2022 to allow the construction of a second dwelling unit with attached garage on Parcel #5244950 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 Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.

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

Attachments:

- Special Use Permit Application
- Site Plan
- Vicinity & Zoning Map
- Applicable Zoning Regulations
- Comment(s)

cc: Keaster Construction, Inc.