

January 31, 2022

AGENDA #1

Agenda Action Report
Prepared for the
Cascade County Commission

ITEM:

Public Hearing

The Board of Cascade County Commissioners to hear the appeal of the final decision of the Zoning Board of Adjustments approving SUP Nos. 026-2021, 027-2021, 028-2021, & 029-2021

PRESENTED BY:

Charity Yonker, Planning Director

An Appeal was submitted on December 17, 2021, by Wade Lawrence and eighteen (18) others residing in Foothills Ranch Subdivision requesting the Board of County Commissioners reverse the decision of the ZBOA and disapprove the four (4) SUPs. Legal Notice of the Appeal before the Board of County Commissioners scheduled on January 31, 2022, was published in the Great Falls Tribune on January 23, 2022, and January 30, 2022. Interested Agency Notices were mailed on January 25, 2022, and Adjacent Property Notice was mailed by certified mail to surrounding property owners on January 25, 2022.

Planning Department Recommendations

The Planning Department recommends the Commission uphold the ZBOA's decision by concluding that Conditions 3 and 4 of CCZR § 10.6 have been satisfied upon the findings that there has not been a sufficient showing to demonstrate any of the four (4) duplexes proposed will substantially injure adjacent property, and the proposed duplexes are in harmony with the area in which they are located. The Planning Department recommends Issue 3 be determined to be beyond the jurisdiction of the BOCC and Issue 4 is recognized by the BOCC but is not an issue that can be addressed in an appeal of the ZBOA decision on the SUPs.

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TWO MOTIONS PROVIDED FOR CONSIDERATION

I move the Board of County Commissions **deny** Special Use Permits #026-2021, #027-2021, #028-2021, and #029-2021 to allow the construction of a second dwelling unit on Lots 008 through 011, Block 006 of the Foothills Ranch Phase III Subdivision in Section 24, Township 20 North, Range 04 East, P.M.M., Cascade County, MT due to at least one (1) of the (4) Conclusions enumerated in CCZR § 10.6 not being satisfied. *(The specific findings supporting the denial will need to be determined by the BOCC and put on the record).*

OR

I move the Board of County Commissioners uphold the Zoning Board of Adjustment's decision and adopt the Supplemental Staff Report in its entirety with Findings of Fact and recommendations, after consideration of all of the public comment and testimony, the record before the BOCC and any new information presented to the BOCC regarding the Appeal, and **approve** Special Use Permits #026-2021, #027-2021, #028-2021, and #029-2021 to allow the construction of a second dwelling unit on Lots 008 through 011, Block 006 of the Foothills Ranch Phase III Subdivision in Section 24, Township 20 North, Range 04 East, P.M.M., Cascade County, MT, subject to the following conditions: *(The BOCC should make specific findings supporting the approval of the SUPs, especially if new information or public testimony is presented during the public hearing).*

1. The Applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains addressing from the GIS Department for E911 purposes.
3. Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.
4. Each second dwelling unit cannot exceed 150 feet in height.