

**STAFF REPORT  
ZONING BOARD OF ADJUSTMENT  
Thursday, March 17, 2022  
9:00 a.m.**

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers  
& Via Zoom (see [www.cascadecountymt.gov](http://www.cascadecountymt.gov) for more information)**

**SUP #002-2022**

**Subject Property Information**

Name of Applicant/Owner(s):	Signature Homes LLC 1725 Whispering Ridge Drive Great Falls, MT 59405
Legal Description:	Lot 012, Block 015, of Foothills Ranch Phase III Subdivision, in Section 24, Township 20 North, Range 04 East, P.M.M., Cascade County, MT.
Geo- Code(s):	02-3016-24-1-03-14-0000
Parcel Number(s):	2032310
Existing Zoning:	Suburban Residential 2 (SR-2) District
Requested Action:	Approval of a Special Use Permit to allow 2 <sup>nd</sup> dwelling.
Surrounding Land Uses/Zoning:	North: Residential & Undeveloped/SR-2 South: Residential & Undeveloped/SR-2 East: Residential & Undeveloped/SR-2 West: Residential & Undeveloped/SR-2
Current Land Use:	Residential
Applicable Regulations:	Sections 7.3.4 (1), 7.2.4 (4), 10, & 16.1 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 Signature Homes LLC to allow a 2<sup>nd</sup> dwelling on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.3.4 (1) and 7.2.4 (4) 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. Signature Homes LLC is the legal owner of the subject property.
2. The property is in the Suburban Residential (SR-2) Zoned District. A two-unit townhome is allowed in the SR-2 District with a SUP. CCZR Sections 7.3.4 (1)<sup>1</sup> and 7.2.4 (4)<sup>2</sup>.
3. County taxes are current on the subject property.
4. The Applicant has started construction of a two-unit townhome on the subject property. The Applicant has paid the \$200 Location/Conformance (L/C) Permit post work application fee and is aware that they need an approved SUP and L/C Permit for the townhome to be in compliance with the Cascade County Zoning Regulations.
5. Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on March 6, 2022, and Sunday, March 13, 2022. Legal Notice of the Application and the public hearing was mailed to surrounding property owners, via certified mail, on February 28, 2022.

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<sup>1</sup> CCZR § 7.3.4 (1): "Uses permitted upon issuance of a Special Use Permit" (1) Use permitted upon issuance of a special permit as set forth under RR-5 District regulations may be used in the SR-1 and SR-2 Districts.

<sup>2</sup> CCZR § 7.2.4 (4): "Uses permitted upon issuance of a Special Use Permit" (4) Second dwelling, including accessory dwelling units (examples: 1 single family home with garage apartment; or 1 duplex for two families; or two single family homes).

6. Notice of the Application and the public hearing was mailed to interested agencies on February 28, 2022.
7. Access to the new dwelling unit(s) will be off Silver Mine Lane. This is a privately maintained road.
8. Multiple lots near the subject property have been approved for two-unit townhomes<sup>3</sup>.
9. The property is located in the Military Overlay District, MOD-D (Conical Surface), for Malmstrom Air Force Base. No structure in the MOD-D zone can be greater than 150 feet in height based on the elevation of the helicopter runway at Malmstrom (3,526 feet).
10. The property is not located within 2,400 feet of a Missile Alert Facility or Launch Facility.
11. The property is not located in the Regulated Flood Hazard Area<sup>4</sup>.

### **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: Proposed development will not [endanger] public health or safety. Additional traffic will be at a very minimum. An additional one or two vehicles a day traveling along adjacent road.***

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<sup>3</sup> Lots shown on the attached Vicinity Map that have two red dots (address points) have received approval for two-unit townhomes.

<sup>4</sup> Subject Properties are located in Zone D based on FIRM Panel No. 30013C0631E.

**Staff:** Each townhome unit is a single-family dwelling. An immense impact on traffic conditions as a result of the addition of the proposed two-unit townhomes is not anticipated. The Montana Department of Transportation and Cascade County Road and Bridge did not have any comments for the SUP Applications.

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

***Applicant: Proposed development will not affect services and all utilities are either on the property already, or will be installed, (well & septic).***

**Staff:** Minimal effect on the utilities at, or around the proposed parcels are anticipated. Condition #3 is proposed to require all necessary permits and/or approvals 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: Proposed development will not [affect] the public health. We will not be changing grades to effect run-off or moving enough dirt to effect erosion.***

**Staff:** The Planning Department does not anticipate a significant amount of erosion and sedimentation based on the small size of the project and the larger size of the lot (2.10 acres). The Municipal Separate Storm Sewer System Coordinator for the County had no issues with this Application.

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

***Applicant: Proposed development will have its own independent water supply approved by the DEQ and therefore will have no impact on surrounding private or public water supplies.***

**Staff:** The Planning Department is recommending a condition of approval that will require the Applicant to obtain appropriate permits through the City-County Health Department. (See Condition #3)

- 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: Each townhome unit is a single family dwelling unit in character with all surrounding homes.***

**Staff: The Planning Department does not anticipate that the two-unit structure will negatively impact the surrounding properties due to the surrounding residential uses that include other approved two-unit townhomes.**

- 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: Proposed Development poses no risk to the public health & safety and general welfare.***

**Staff: The Planning Department does not anticipate that the two-unit structure will affect surrounding uses considering that the surrounding residential 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: Each townhome will be in the \$300,000 to \$350,000 value range. The designs & colors will be [professionally] designed to fit in with the surrounding developments. Proposed development should have a positive impact on surrounding properties***

**Staff: The two-unit residential structure will be in harmony with zoning of the surrounding 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: There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.**

**Staff: The placement of the two-unit residential structure 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: There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all Tax bases.**

**Staff: The placement of the two-unit townhome 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: Proposed development is not a business development.**

**Staff: The placement of the two-unit residential structure is residential and not commercial; they will not negatively impact business.**

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

***Applicant: Proposed development will have no impact on cultural resources. The construction and resulting Tax base will help with [county's] economic base.***

**Staff: The placement of the two-unit townhome will not negatively impact tourism or cultural resources.**

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

***Applicant: Proposed development will help create more jobs for local contractors and subcontractors.***

**Staff: The placement of the two-unit townhome 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: There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.***

**Staff: The placement of the two-unit townhome 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: There is a need for new construction townhomes in the city and county. This type of development helps retain or even grow population which in turn is good for all surrounding businesses.***

**Staff: The placement of the two-unit townhome 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: Proposed development will help to support economic development for Cascade County.***

**Staff:** The placement of the two-unit townhome will not negatively impact economic development efforts.

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

**Applicant:** *Proposed development will not have an impact on the local agriculture [economy].*

**Staff:** The placement of the two-unit townhome 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:** *Proposed development will be using energy methods supplied to the existing land.*

**Staff:** The Application that was submitted did not indicate using 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:** *Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.*

**Staff:** According to the USDA Web Soil Survey<sup>5</sup>, the subject lot is considered farmland of statewide importance. The land went through subdivision review for residential use of the subject lots. With the small size of the lot (2.10 acres) staff does not believe the placement of the townhome 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:** *Proposed development will be landscaped in a tasteful fashion in accordance with surrounding housing.*

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<sup>5</sup> <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>



**Staff: The placement of the two-unit townhome will not negatively 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 design of Proposed development has been well thought out. There is a huge demand for new Townhomes in the city and county.***

**Staff: The Foothills Ranch Phase III Subdivision is located about 3 miles Southeast of the City of Great Falls. The subdivision was approved and filed in 2007.**

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

***Applicant: Proposed development will not have [an] impact on the air or water. It will [provide] [excellent] community appearance.***

**Staff: The subject property will need to obtain approval from the City-County Health Department for water/wastewater of the townhome (see Condition 3). The placement of the two-unit townhome 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: Proposed development will not have an impact on natural resource development.***

**Staff: The placement the two-unit townhome 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: Proposed development will not have an impact on any superfund or Brownfields properties***

**Staff: The subject property is not located within a Superfund or Brownfields site<sup>6</sup>.**

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<sup>6</sup> 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](https://ordspub.epa.gov/ords/cimc/f?p=cimc:map:::71:P71_WELSEARCH:NULL|Cleanup|||false|false|true|false|false|false||sites|Y)

**Goal 3: Maintain Agricultural economy**

A. *Protect the most productive soil types.*

**Applicant: Most protective soils will be saved and used for top soil.**

**Staff: According to the USDA Web Soil Survey, the subject lot is considered farmland of statewide importance. The land went through subdivision review for residential use of the subject property. With the small size of the lot and the subdivision approval of Foothills Ranch Phase III, staff does not believe the placement of the townhome will have a negative impact on most productive soil types.**

B. *Continue to protect soils against erosion.*

**Applicant: All disturbed soils will be controlled and replanted with natural grass as soon as possible.**

**Staff: The Applicant has mentioned landscaping the lot; replacement of natural grasses and landscaping will help to protect against soil erosion. 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: Proposed development is not in the Floodplain**

**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: Proposed development will not have an impact on the Agricultural Industry.**

**Staff: The placement of the two-unit townhome 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: Proposed development will increase housing, which supports US military presence.**

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

**Applicant: Proposed development will increase housing, which supports US military presence.**

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

**Applicant: Proposed development will not have an impact on Malmstrom's runway.**

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

**Applicant: Proposed development will not have conflicts with any mission compatible development.**

**Staff:** The placement of the two-unit townhome will not negatively affect military presence. However, the placement of the two-unit townhome is in MOD-D of the Military Overlay District which restricts the two-unit townhome built on the respective property from exceeding 150 feet in height to prevent interference with the runway (see Condition #4). The Subject Property is not within 2,400 feet of a Missile Alert Facility (MAF) or a Launch Facility (LF).

**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: Proposed development will increase housing, which supports the [county's] changing population**

**Staff:** The two-unit townhome 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: Proposed development will not have any negative [effects] on the county's heritage or resources.***

**Staff: The subject property is not known to be cultural/historic sites or archaeological area. If they were, this would have come up during subdivision review in 2007.**

C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*

***Applicant: proposed development will be landscaped and irrigated, mitigating extreme fire hazards.***

**Staff: The two-unit townhome will be serviced by the Sand Coulee Fire Department. The Foothills Ranch Phase III Subdivision has a fire suppression system.**

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

***Applicant: Proposed development will create tax base, which in turn supports local educational programs.***

**Staff: The placement of the two-unit townhome 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: Proposed development is consistent [with] the current Growth Policy.***

**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: From the Application information submitted, the proposed two-unit townhome 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.**

**Motions:**

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

- A. Move that Special Use Permit #002-2022 to allow the construction of a second dwelling unit on Lot 012, Block 015 of the Foothills Ranch Phase III Subdivision in Section 24, Township 20 North, Range 04 East, P.M.M., Cascade County, MT, be **denied** (*Board must make findings delineating the legal reason for denial*); or
- B. Move the Board to adopt the Staff Report in its entirety with Findings of Fact and **approve** Special Use Permit #002-2022 to allow the construction of a second dwelling unit on Lot 012, Block 015 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:
  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. The second dwelling unit cannot exceed 150 feet in height.

Attachments:

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

cc: Signature Homes LLC