

**STAFF REPORT**  
**ZONING BOARD OF ADJUSTMENT**  
**Thursday, July 21, 2022**  
**9:00 a.m.**

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

**SUP #011-2022**

SUBJECT PROPERTY INFORMATION	
Name of Applicants & Owners:	Raymond and Patrice Marie Johnson O'Loughlin 4143 U.S Highway 89 Neihart, MT 59465
Legal Description:	S07, T14 N, R08 E, LE ROY MILLSITE ME# 0995 (PT) MPM, Cascade County, MT
Geo- Code:	02-2355-07-3-02-04-00ME
Parcel Number:	5449200
Acreage	2 acres
Flood Zone	D
Existing Zoning:	Mixed Use 20 ("MU-20")
Requested Action:	Approval of a Special Use Permit to allow a 2 <sup>nd</sup> dwelling.
Surrounding Land Uses/Zoning:	North: Residential/MU-20 South: Residential / MU-20 East: Government / MU-20(Montana FWP) West: Government/ MU-20 (Montana FWP)
Current Land Use:	Residential
Applicable Regulations:	Sections 7.6.11(41) & 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 Raymond and Patrice O'Loughlin 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 7.6.11(41)<sup>1</sup> of the CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits.

There are no known violations of any County ordinances, and county taxes are current.

Legal Notice of the Application and the public hearing was published in the Great Falls Tribune on July 10, 2022, and July 17, 2022 and mailed to adjacent property owners on June 31, 2022 and interested agencies, via certified mail, on June 31, 2022.

### **Findings with Respect to the SUP 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 in the Findings of Fact and Conclusions for SUP #011-2022, incorporated by reference into this Staff Report and attached.

### **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, 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 #011-2022 to allow the construction of a second dwelling unit on Parcel #5449200, 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 #011-2022 to allow the construction of a second dwelling unit on Parcel # 5449200 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.

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<sup>1</sup> CCZR § 7.6.11 "Uses Permitted Upon Issuance of a Special Use Permit: (1) Use permitted upon issuance of a special permit pursuant to CCZR § 7.6.11(41), under the MU-20 District, a second dwelling is allowed with the issuance of a SUP.

2. Applicant obtains an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.

Attachments:

- Findings of Fact & Conclusions for SUP #011-2022
- Special Use Permit Application w/Site Plan
- FIRMette
- Vicinity & Zoning Maps
- Applicable Zoning Regulations
- Comment

cc: Applicant(s)