

Findings of Fact & Conclusions for Special Use Permit #011-2022

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. Conditions may be required that the ZBOA determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

Standards Applicable to Special Uses (CCZR § 10.6)
A. The proposed development will not materially endanger the public health or safety
(1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections and approaches.
Applicant Response: The proposed development will not affect traffic conditions, access to the property already exists.
Staff Analysis: Access to the new dwelling unit will be from an existing access bridge off Highway 89 and an already established easement on the property. The Planning Department does not anticipate concerns related to traffic in the area.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: Proposing re-construction of septic system for present structure and to accommodate an additional structure on the property.
Staff Analysis: 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 preventing avoidable delay and decreasing emergency response time.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: These areas will not be affected per a Cascade County Sanitarian inspection and guidance prior to development.
Staff Analysis: The soil on the property is characterized as well drained. Soil erosion, sedimentation, and stormwater runoff is not anticipated from the additional dwelling, 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).

Findings of Fact & Conclusions for Special Use Permit #011-2022

(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: The present septic system does not have a clean-out and needs to be replaced to preserve the environmental quality of the area. A new system will be installed to replace the old and to accommodate an additional structure to be built within a year.
Staff Analysis: It is not anticipated that this second dwelling will have any adverse effects on surface water or groundwater. A condition of approval is recommended that will require the Applicant to obtain appropriate permits (see Condition #1).
B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.
(1) 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 Response: When we purchased the property in 2021, the adjoining neighbors agreed to one (1) structure per acre. We presently have one (1) structure per two (2) acres. We do not anticipate conflicts with any adjoining property owners and are prepared to resolve such conflicts amicably should they arise.
Staff Analysis: The Planning Department does not anticipate that the second dwelling will negatively impact the surrounding properties due to the surrounding residential uses in the vicinity.
(2) Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property.
Applicant Response: The proposed development is not critical to public health, safety or general welfare of the community. There will not be a negative impact for adjoining properties.
Staff Analysis: The Planning Department does not anticipate that the second dwelling will affect surrounding uses. The current surrounding uses are the same or similar to the proposed use. The second dwelling is not so necessary to the public health, safety and general welfare of the community as a whole.
C. The proposed development will be in harmony with the area in which it is located.
(1) 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 Response: The proposed development will be non-invasive and in harmony with the area. The new structure will be relatively small, two-three bedrooms and will not tarnish the environmental quality of the area.

Findings of Fact & Conclusions for Special Use Permit #011-2022

Staff Analysis:

The subject property is currently residential. Adding the additional dwelling will still be in harmony with the surrounding uses.

D. The proposed development will be consistent with the Cascade County Growth Policy.

(1) Consistency with the Growth Policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational 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 Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

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. The additional dwelling expands the customer base for existing and new businesses and industries in the area.

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

Applicant Response:

The new septic system will improve the present unsafe situation, thereby improving natural resources. The second structure will enhance the county's tax base.

Staff Analysis:

The proposed second dwelling will stabilize and diversify the county's tax base but does not directly impact the sustainable use of the county's natural resources. The new septic system will positively impact the surrounding environment.

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 Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

Findings of Fact & Conclusions for Special Use Permit #011-2022

The additional dwelling expands the customer base for existing and new businesses and industries in the area.

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

Applicant Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

The proposed second dwelling occupants could benefit from the abundant tourist and cultural sites.

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

Applicant Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

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 Response:

We fully support local businesses in Neihart and the State of Montana.

Staff Analysis:

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 Response:

We fully support local businesses in Neihart and the State of Montana.

Staff Analysis:

Findings of Fact & Conclusions for Special Use Permit #011-2022

The proposed second dwelling occupants will most likely shop local.

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 Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

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

I. Encourage the growth of the agricultural economy.

Applicant Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

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 Response:

Unfortunately, we do not anticipate the use of alternative methods of energy production.

Staff Analysis:

The applicant has not proposed any alternate methods of energy for the new dwelling.

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.

Findings of Fact & Conclusions for Special Use Permit #011-2022

Applicant Response:

We fully intend to foster any and all economic contributions and the intrinsic natural beauty of the forest and surrounding areas.

Staff Analysis:

The new structure will not affect grazing areas, 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 Response:

We plan to preserve the natural beauty of the forest and surrounding areas.

Staff Analysis:

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 Response:

We foresee adhering to Cascade County building codes to eliminate the possibility of poorly designed developments.

Staff Analysis:

The subject property is located north of the incorporated town of Neihart. The subject property is located near other residential dwellings. The addition of the second dwelling will not have an impact on Cascade County's open space.

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

Applicant Response:

As native Montanans we HIGHLY value clean air, water, a healthful environment, and good community appearance, we will meticulously maintain our property.

Staff Analysis:

The subject property will need to obtain approval from the City/County Health Department for water/wastewater of the second dwelling (see Condition #3). The placement of the second dwelling will align with surrounding residential development.

Findings of Fact & Conclusions for Special Use Permit #011-2022

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

Applicant Response:

The proposed development is in a rural, non-municipal area, unsure if this objective is applicable to the project?

Staff Analysis:

The placement of the second dwelling 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 Brownsfield processes.

Applicant Response:

We plan to cooperate with any such activity to improve upon the environment.

Staff Analysis:

The subject property is not located within a Superfund or Brownfield site. However, it is within a few miles of two Brownsfield properties that are located in Neihart and a Superfund site located near Snow Creek.

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response:

We intend to protect the natural habitat by using the most non-invasive means available.

Staff Analysis:

According to the USDA Web Soil Survey¹, the Subject Property is not prime farmland and is predominately Lake Creek soil type which is very stony and characterized as well drained.

¹ <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

Findings of Fact & Conclusions for Special Use Permit #011-2022

B. Continue to protect soils against erosion.

Applicant Response:

We anticipate protecting soils from erosion.

Staff Analysis:

The Planning Department does not anticipate a significant effect on soil erosion from the placement of this second dwelling. The Subject Property is approximately 2 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 Response:

We plan to protect the floodplain from development.

Staff Analysis:

The dwelling is not located within the Regulated Flood Hazard Area.

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

Applicant Response:

We absolutely support all Montana products and businesses.

Staff Analysis:

The proposed second dwelling 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.

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.

Findings of Fact & Conclusions for Special Use Permit #011-2022

Applicant Response:

We support the U.S Military, however, we are uncertain if this is applicable due to the location of the project.

Staff Analysis:

The placement of the second dwelling will not negatively affect military presence. It is not within 2,400 feet of a Military Alert facility or Launch facility and is not located in the Military Overlay District.

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 Response:

As native Montanans we enjoy the businesses and community of Neihart and plan to be active in rural community activities.

Staff Analysis:

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 Response:

We respect all such heritage and cultural/ historic resources.

Staff Analysis:

The subject property is not known to be a cultural/historic sites or an 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 Response:

We plan to participate in the resources from FireSafe Montana to prevent and mitigate fire hazards.

Findings of Fact & Conclusions for Special Use Permit #011-2022

Staff Analysis:

The proposed second dwelling is in the Monarch Fire Department response area, although it is close to the boundary line of the Monarch and Neihart Fire Department Response areas. The subject property is considered to have a high-risk terrain/fuel hazard and is in the Wildland Urban Interface².

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

Applicant Response:

We will encourage the development by contributing to the communities of Neihart and Great Falls.

Staff Analysis:

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.

(2) Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant Response:

The new structure will be consistent with the growth policy and will utilize the existing property to its best potential.

Staff Analysis:

The application will likely not have a negative impact on the municipal or joint land use plans. See response for above under Growth Policy Goal 4.

² Based on the Community Fire Plan Wildland-Urban Interface Cascade County and Dearborn FSA Map.