

**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 for more information)**

SUP #012-2022

SUBJECT PROPERTY INFORMATION	
Name of Applicants:	Cascade County Public Works Department 279 Vaughn S Frontage Rd Great Falls, MT 59404
Owners:	Dennis Skinner 176 Mill Coulee Rd Fort Shaw, MT 59443
Legal Description:	Section 09, Township 21 North, Range 02 West
Geo- Code:	02-3134-09-3-03-01-0000
Parcel Number:	4636300
Existing Zoning:	Agricultural
Requested Action:	Approval of a Special Use Permit to allow a Quarry on the subject property.
Surrounding Land Uses/Zoning:	North: Agricultural/A South: Agricultural/ A East: Agricultural/A West: Agricultural/ A
Current Land Use:	Agricultural
Applicable Regulations:	Sections 7.7.11(27), 8.1.5 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 the Cascade County Public Works Department to allow for a Quarry on the Subject Property. The Applicant is requesting that a SUP be granted as required by Sections 7.7.11(27) of the CCZR. The standards set forth in Section 10 of the CCZR are applicable to Special Use Permits.

The property is not known to be in violation of the CCZR or any other 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 13, 2022, and July 20, 2022 and mailed to adjacent property owners, via certified mail, on July , 2022.

Rock crushing is proposed on site. The Zoning Regulations requires the ZBOA to give permission in such instances. The Planning Department recommends granting the applicant permission to allow rock crusing on site.

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 #012-2022, 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 subject property regular working hours will conclude at 5:00 PM (See Condition #3 and will run four days per week. The applicant will need to use best management practices to mitigate noise and dust, but due to the wide buffer area between residences and the proposed quarry, other than Condition #4.

Motions:

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

- A. Move that Special Use Permits #012-2022 to allow a quarry on the subject property on Parcel #4636300, be **denied** due to (*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 Permits #012-2022 to allow a quarry, including rock crushing, on Parcel #4636300, 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 an approved Subsurface Wastewater Treatment System Permit from the City-County Health Department prior to installation of any wastewater treatment system.
 3. Operations hours shall be limited from 7:00 a.m. to 5:00 p.m.

4. In the case of an open excavation there shall be a substantial fence, suitable gates, completely enclosing the portion of the property which the excavation is located in, and such fence shall be located at all points forty (40) feet or more from the edge of excavation.
5. No cement plant, grinding, or polishing or cutting machinery, or other chemical process for treating the product of such quarry shall be permitted.
6. In the case where excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (see MCA § 82-4-400, et. Seq).

Attachments:

- Findings of Fact & Conclusions for SUP #012-2022
- Special Use Permit Application
- Vicinity & Zoning Maps
- Applicable Zoning Regulations
- Comment

cc: Eric Urban, and Cascade County Public Works