

Findings of Fact & Conclusions for Special Use Permit #012-2022

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: Significant traffic increases are not anticipated. The site will be accessed from a small unnamed farm road which then connects to Hwy 89.
Staff Analysis: The site will be accessed off of a private easement off of Highway 89. An increase in traffic exiting and entering Highway 89 may occur, but at the time of writing this report comment was given by the Montana Department of Transportation stating that they do not anticipate an impact.
(2) Provisions of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.
Applicant Response: This project will not require adding the above-mentioned services.
Staff Analysis: The effect on utilities at or around the proposed parcel will be minimal. Condition #2 is proposed to require all necessary permits and/or approvals for wastewater from the City-County Health Department.
(3) Soil erosion, sedimentation, and storm water runoff.
Applicant Response: The proposed Opencut mine will be fully permitted with the Department of Environmental Quality. Additionally, appropriate BMP will be taken to prevent off-site sediment transport.
Staff Analysis: The applicant will need to obtain an Opencut Mining Permit from the DEQ. At the time of this report, no indication has been given regarding the erosion and sedimentation of the subject property. The project falls outside of the MS4 Stormwater Permit boundary. Condition #1 is proposed to require any and all state required permits to be obtained by the applicant.

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(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.
Applicant Response: No public or Community water supplies exist near the proposed site location. Further, the closest residential well identified in the GWIC database is approximately 0.8 miles northeast of the site. No detrimental [effects] to a potable groundwater aquifer are anticipated by the proposed project.
Staff Analysis: Best management practices will need to be installed to ensure that no private water supply may be affected by the quarry (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: The proposed project will provide the gravel necessary to maintain Cascade County roads within the area. Further, the project will be reclaimed to pastureland to compliment the surrounding land uses. No impact to surrounding property value is anticipated.
Staff Analysis: After running a series of buffers in GIS, it was determined that no residences are within a 0.5-mile buffer of the subject property. The closest residence sits at approximately 0.59 miles away. The road surface providing access to the project site is gravel. Therefore, mitigation of dust is predicated to be the most frequent conflict with neighboring uses. Best management practices, such as a water truck must be utilized for rock crushing and heavy machinery traffic. (See Conditions #3, #4, #5).
(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 project will improve County infrastructure and provide a safety benefit to all users of the county road system.
Staff Analysis: The Planning Department has determined that this use has the potential to have positive impact on public safety by providing material to improve county-maintained roads, and potentially decrease hazards on the rural road network. However, other location in the county exists for gravel operations and is not so necessary to justify it regardless of the impacts on the value of adjoining property.

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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.
<p>Applicant Response: The project is located in a remote area with no residential structures nearby. Currently, a portion of the site has been used as a historic gravel mine. No conflicts area anticipated with the surrounding uses, agriculture.</p>
<p>Staff Analysis: The subject property has roughly a half mile buffer from residential uses, with none located on adjacent properties. Operating times shall be in place, per Section 8.13 of the Cascade County Zoning Regulations (See Condition #3), a substantial fence shall be located at all points not less than 40 feet from the excavation site (See Condition #4), utilizing the use of a water truck to mitigate dust. Rock crushing has been proposed and therefore must utilize the use of water to mitigate dust. Once excavation activity is discontinued, the excavation shall be restored in accordance with Open Cut Mining Reclamation guidelines (see MCA § 82-4-400, et seq.)(See Condition #6).</p>
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.
<p>Applicant Response: As “Agriculture” the growth policy anticipated a need for quarries within the area and provided the opportunity for a Special Use Permit.</p>
<p>Staff Analysis: The proposed use is consistent with the Cascade County Growth Policy.</p>
<i>Goal 1: Sustain and strengthen the economic well-being of Cascade County’s citizens.</i>
<i>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.</i>
<p>Applicant Response: The improvements to the County road system from the [gravel] used by this project will provide a benefit to all [businesses] utilizing the road system.</p>
<p>Staff Analysis: The location of the proposed quarry would provide a cost-effective opportunity for the County to maintain existing roads in the Northwestern portion of the county.</p>

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

Applicant Response:

The SUP is being requested by Cascade County, as such there is no direct impact the County's tax base.

Staff Analysis:

Cascade County will be taking advantage of the natural resources within the County's jurisdiction. The quarry is operated by the county and is therefore being sustained by the current 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 Response:

The SUP is being requested by the County, as such there is no direct goal for this project to improve businesses.

Staff Analysis:

The proposed use will not negatively affect businesses in Cascade County.

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

Applicant Response:

The material from this project will be used for road improvements. There is an indirect potential for a benefit to cultural resources access and tourism through improved roads.

Staff Analysis:

For this particular use to promote tourism and cultural resources, material would be provided for improvements to any roads and trails that could increase the amount of traffic to the cultural and tourism sites.

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

Applicant Response:

The material from this project will be used for road improvements. There is an indirect potential for a benefit to entrepreneurship.

Staff Analysis:

The proposed quarry could promote entrepreneurship by utilizing the natural resources to maintain the current road network that could entice entrepreneurs to locate their venture in the county.

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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:

The material from this project will be used for road improvements. There is an indirect potential to encourage and strengthen business.

Staff Analysis:

The proposed use 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:

The material from this project will be used for road improvements. There is an indirect potential that improved roads from this project may encourage local trade.

Staff Analysis:

Employees of the quarry will earn paychecks in Cascade County and will more than likely spend said paycheck in the county, promoting local shopping.

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 material from this project will be used for road improvements. There is an indirect potential that improved roads from this project may encourage developments within the region and state.

Staff Analysis:

Utilizing the available resources to improve roads may have the potential to support development efforts within the region and statewide, by maintaining a strong transportation network connecting other communities to Cascade County.

I. Encourage the growth of the agricultural economy.

Applicant Response:

The material from this project will be used for road improvements. There is a direct benefit to the agriculture community. It is unknown if/how the project could encourage the growth of agriculture.

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Staff Analysis:

The site is currently classed as agricultural land by the Department of Revenue, however, the use will not negatively effect the agricultural economy. The majority of the project location is predominately part of the Crago-Yawdim complex, or very cobally loam and is not farmland of statewide importance.

J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.

Applicant Response:

The material from this project will be used for road improvements. It is unknown if improved roads would encourage wind development, but it would potentially provide better access for future projects.

Staff Analysis:

This project does not propose the use of any alternative energy source.

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 Response:

Improved roads within the County will compliment agriculture. Additionally, after the gravel mining is completed, the site will be reclaimed to pastureland.

Staff Analysis:

According to the USDA Web Soil Survey, the Subject Property is not considered farmland of statewide importance. Once the excavation use has discontinued, the parcel will be reclaimed per the regulations of the DEQ. The use of the subject property will not 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 Response:

The site has a small un-reclaimed gravel mine. After the County's mining is complete the site will be fully reclaimed and provide an improvement over existing land use conditions.

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Staff Analysis:

The proposed use will have a short-term effect on the scenic beauty within Cascade County. Once the site has been reclaimed after extraction is finished, the scenic beauty will be renewed.

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:

It is not anticipated that the proposed SUP will encourage or discourage development locations.

Staff Analysis:

The subject property is located 6.29 miles from Fort Shaw, and 6.83 miles from Simms as the crow flies. Due to the nature of this use, it is Once the use has ceased, the area shall be reclaimed to the open ag space it was prior to the quarry being placed on the property.

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

Applicant Response:

The project will comply with the DEQ requirements to maintain the clean air, clean water, a healthful environment and good community appearance.

Staff Analysis:

The proposed use does not plan on using any sort of wastewater system; however, if the need for a wastewater system arises, the applicant will need to obtain approval from the City/County Health Department for water/waste (see Condition #3).

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 project will be used to improve roads within Cascade County. Improved roads within the County will potentially provide a benefit to natural resource development.

Staff Analysis:

The proposed use will utilize existing natural resources within Cascade County.

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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:

Applicant: Not applicable

Staff Analysis:

The subject property is not located in a known Superfund or Brownsfield site.

Goal 3: Maintain Agricultural economy

A. Protect the most productive soil types.

Applicant Response:

All topsoil will be stripped and stockpiled for use during reclamation.

Staff Analysis:

According to the USDA Web Soil Survey, the Subject Property is not considered farmland of statewide importance. It has been proposed that the topsoil will be stored during the excavation process and returned to the disturbed area once the excavation has been completed in order to reclaim the subject property.

B. Continue to protect soils against erosion.

Applicant Response:

Long-term soil stockpiles will be seeded to prevent erosion.

Staff Analysis:

The Planning Department does not anticipate a significant effect on soil erosion from the placement of this subject property. The Subject Property is approximately 40 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:

Applicant: Not applicable.

Staff Analysis:

The location of the subject property is not in a regulated floodplain area based on FEMA FIRM Panel #30013C0225E, and therefore will protect the floodplain from non-agricultural development.

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

Applicant Response:

Seed for reclamation will be sourced from local producers.

Staff Analysis:

The proposed subject property 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.

Applicant Response:

Not applicable.

Staff Analysis:

The placement of the subject property will not negatively affect military presence. The placement of the subject property is not within a Military Overlay District which restricts the height of any structures. This use does not propose any new structures. 2. The subject property is not located within 2,400 feet of a Missile Alert Facility or Launch Facility.

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:

We do not anticipate this project having an impact on Cascade County's rural lifestyle.

Staff Analysis:

The proposed subject property will likely have little to no impact on Cascade County's citizens' rural lifestyle.

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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:

The project will comply with DEQ requirements and will consult with the State Historical Preservation Office.

Staff Analysis:

According to SHPO, records do not indicate any cultural/historic site located on the parcel. This absence does not mean that they do not exist on the parcel, but have not been inventoried.

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:

Fire prevention measures will be taken and include operating primary equipment in non-vegetated areas.

Staff Analysis:

The proposed subject property will be serviced by the Fort Shaw Fire Department and is considered having a low-risk terrain/fuel hazard not located in the Wildland Urban Interface.

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

Applicant Response:

Not applicable.

Staff Analysis:

The proposed Quarry 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 application will likely not have a negative impact on the municipal or joint land use plans.

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.