

# Findings of Fact & Conclusions for Special Use Permit #013-2022

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.

<b>Standards Applicable to Special Uses (CCZR § 10.6)</b>
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.
<b>Applicant Response:</b> This is a residential project and is for personal use. The proposed development may add one extra vehicle per day on Watson Lane from the residence to Bootlegger Trail. Parking of the extra vehicle will be off street.
<b>Staff Analysis:</b> Access to the new dwelling unit will be from an existing access off Watson Lane. 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.
<b>Applicant Response:</b> Water, power, natural gas, garbage, telecommunications currently exist at the proposed development location. Fire protection is provided Black Eagle Fire Emergency Services. Owner is working with CCHD on a leach field.
<b>Staff Analysis:</b> An address has already been obtained. Condition #2 is proposed to require all necessary permits for wastewater from the City-County Health Department.
(3) Soil erosion, sedimentation, and storm water runoff.
<b>Applicant Response:</b> Landscaping will be completed as part of the project to control soil erosion. Stormwater runoff will be contained onsite. The site is not located near any waterways; therefore, no sedimentation is expected during or post development.
<b>Staff Analysis:</b> 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).
(4) Protection of public community, or private water supplies, including possible adverse effects on surface waters or groundwater.

## Findings of Fact & Conclusions for Special Use Permit #013-2022

<p><b>Applicant Response:</b> A 500+ feet deep private deep private well is located greater than 100 feet on an adjacent property with no adverse effects anticipated to the aquifer. All project work will occur at the surface to a maximum depth of 6ft for waterlines from the cisterns located on the Landowners property.</p>
<p><b>Staff Analysis:</b> 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).</p>
<p><b>B. The proposed development will not substantially injure the value of adjoining property or is a public necessity.</b></p>
<p>(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>
<p><b>Applicant Response:</b> This proposed development will not substantially impact the value of adjoining property. The building colors will match the existing barn on Landowners property and is typical of shop-type buildings located [in] agricultural areas.</p>
<p><b>Staff Analysis:</b> 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.</p>
<p>(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.</p>
<p><b>Applicant Response:</b> No negative impact of the adjoining property value is anticipated. Currently, both adjacent properties have a shop similar in size and color.</p>
<p><b>Staff Analysis:</b> 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.</p>
<p><b>C. The proposed development will be in harmony with the area in which it is located.</b></p>
<p>(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>
<p><b>Applicant Response:</b> This project will match the color scheme of the existing barn on the Landowner property and blend in with the other agricultural buildings in the area.</p>
<p><b>Staff Analysis:</b></p>

# Findings of Fact & Conclusions for Special Use Permit #013-2022

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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

### **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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

### **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.

***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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

### **Staff Analysis:**

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.***

## **Findings of Fact & Conclusions for Special Use Permit #013-2022**

**Applicant Response:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**Staff Analysis:**

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:**

## **Findings of Fact & Conclusions for Special Use Permit #013-2022**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**Staff Analysis:**

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

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

**Applicant Response:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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.*

**Applicant Response:**

This project will match the color scheme of the existing barn on the Landowner property and blend in with the other agricultural buildings in the area.

**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:**

## **Findings of Fact & Conclusions for Special Use Permit #013-2022**

This project will not disturb any rangeland, nor farmland, currently in production on the Landowner's property.

**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:**

This project will be located between the Landowner's house and existing shelter belt to blend in and preserve Cascade County's open space setting.

**Staff Analysis:**

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:**

This project will match the Landowner's other outbuildings to provide a good community appearance and preserve clean water and no effect [on] the clean air.

**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.

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

**Applicant Response:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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.***

## **Findings of Fact & Conclusions for Special Use Permit #013-2022**

**Applicant Response:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**Staff Analysis:**

The subject property is not located within a Superfund or Brownfield site.

***Goal 3: Maintain Agricultural economy***

***A. Protect the most productive soil types.***

**Applicant Response:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**Staff Analysis:**

According to the USDA Web Soil Survey<sup>1</sup>, the Subject Property is prime farmland of statewide importance and is predominately Assiniboine fine sandy loam soil type which is characterized as well drained.

***B. Continue to protect soils against erosion.***

**Applicant Response:**

All disturbed areas will be seeded back to its natural state.

**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 5.4 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:**

This item is non-applicable since this project will not remove any agricultural land from use and not be used for a business.

**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:**

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

## Findings of Fact & Conclusions for Special Use Permit #013-2022

N/A

**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.***

**Applicant Response:**

N/A

**Staff Analysis:**

The placement of the second dwelling will not negatively affect military presence. It is in the Outer Horizontal Surface- MOD-F of the Military Overlay District. It is not within 2,400 feet of a Military 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:**

N/A

**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:**

N/A

**Staff Analysis:**

## Findings of Fact & Conclusions for Special Use Permit #013-2022

The Montana Cultural Resource Database State Historic Preservation Office Map<sup>2</sup> shows a Historical Site is Present on the subject property. The applicant has been asked to provide more information to ensure that the proposed second dwelling is not going to disturb any cultural or historic sites.

***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:**

A pre-engineered metal building will be constructed to reduce the flammability of the structure and promote fire prevention.

**Staff Analysis:**

The proposed second dwelling is in the Black Eagle Fire Department response area. The subject property is considered to have a low-risk terrain/fuel hazard and is not in the Wildland Urban Interface<sup>3</sup>.

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

**Applicant Response:**

N/A

**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.

<sup>2</sup> <https://svc.mt.gov/adsams/>

<sup>3</sup> Based on the Community Fire Plan Wildland-Urban Interface Cascade County and Dearborn FSA Map.