

VERIFICATION

Cascade County Commissioners
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SEP 26 2019

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City of Toronto)
:SS
Province of Ontario)

I, Edward Friesen, as authorized member of Madison Food Park, LLC, and Big Sky Cheese, LLC, as being first duly sworn, do state that I have read the Petition appealing the August 28, 2019, decision of the Cascade County Board of Adjustment's decision on Special Use Permit No. 006-2018 and verify that the information provided therein is true and accurate to the best of my knowledge.

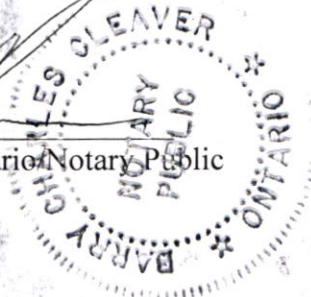
[Handwritten signature]

Edward Friesen

In Witness whereof, and solemnly declared before me, in the City of London, Ontario on September 25, 2019,

[Handwritten signature]

Commissioner of Oaths for Ontario Notary Public





GARLINGTON | LOHN | ROBINSON

MONTANA'S ATTORNEYS SINCE 1870

September 26, 2019

Board of Commissioners of Cascade County
325 2nd Ave. N.
Great Falls, MT 59401

RE: Appeal of Zoning Board of Adjustment Decision

Dear Commissioners:

Pursuant to Section 12.3.5.1 of the Cascade County Zoning Regulations, and on behalf of our client, Madison Food Park, LLC, and Big Sky Cheese, LLC, we present this petition to appeal portions of the Zoning Board of Adjustment's decision on Special Use Permit No. 006-2019 (attached).

We appreciate the time and work the Board of Adjustment applied to our client's application, considering comments from members of the public, and the ultimate decision. We appreciate the Board's approval of the project, but have concerns with several of the conditions added to those proposed by planning staff.

Section 12.3.5.1 of the Zoning Regulations requires us to file this petition and to specify the "grounds of the illegality" to any portion appealed. Therefore, for the reasons stated below, we appeal the following conditions and respectfully ask the Commissioners to remove them from the Special Use Permit approval. The numbers below correspond to the numbers of the conditions cited in the Board of Adjustment's approval letter which we appeal.

2. The Applicant obtains the necessary water rights from the Montana Department of Natural Resources and Conservation ("DNRC"). The Applicant shall be required to place meters on wells and submit quarterly reports to the Planning Department, and obtain water rights if usage exceeds the exempt well levels provided by DNRC.

There are multiple problems with this condition of approval. First, exempt wells do not obtain "water rights" but are subject to a notice of completion. Therefore, the first sentence of the condition is impossible to meet. Second, whether meters are required on wells and any associated monitoring obligations is solely within the purview of the DNRC. The Board of Adjustment does not have the authority to supplement or deviate from DNRC rules and regulations. Further, as a practical matter, the Planning Department is not equipped to monitor quarterly well usage reports

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