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<tr>
<td>Scott Reasoner, on behalf of the Great Falls Area Chamber of Commerce</td>
<td>Requests that the ZBOA approves the SUP and that there is a need to diversify the economic base, including value-added agricultural products.</td>
<td>Staff encourages the Chamber of Commerce to be more engaged in the public Special Use Permit process in future business development and appreciates the concerns regarding conditions recommended by Staff. Staff concurs that excessive regulation can create a deterrent to future business growth and development, and that conditions should be proportional to the actual impacts of a development. The Planning Department and ZBOA have a duty to strike a balance between the rights of a landowner to develop their property, as well as surrounding property owners, and the general public so as not to adversely impact the community.</td>
<td>None</td>
<td>None</td>
<td></td>
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<tr>
<td>Mark Cappis</td>
<td>Requests that the ZBOA approves the SUP and that there is a need to diversify the economic base, including value-added agricultural products.</td>
<td>This is a broad statement of support and staff found that this proposal supports Growth Policy objectives related to primary business development and value-added agricultural products as relayed in the Staff Report.</td>
<td>None</td>
<td>None</td>
<td></td>
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<tr>
<td>Brett Doney, with Great Falls Development Authority</td>
<td>Generally agrees with staff's findings of fact however disagrees with the following: States that the record of development in the County does not support the need for landscaping plans or requirements, states that there are no local distilleries and this could have a positive impact on tourism, disagrees with the staff assessment related to entrepreneurship, and does not believe that the proposed use is more objectionable than other uses allowed by right. Voices concerns related to conditions 9, 11, 12, and 14, and is concerned that this will set an overreaching standard for future development in the County, and is not supported by the history. States this is a relatively benign and small use along with Big Sky Cheese. States all applications must be treated fairly and same standards must apply, and this will set a standard for development for any use of a similar scope. States the County is under threat from the global market and agricultural revenue is down. Commenter provides data about economic and employment indicators.</td>
<td>Staff generally concurs with the commenter's assessments, particularly with regard to the relative scope of the project and the concerns related to setting a precedent for development of similar size and scope. Recommended conditions are generally based on previous approvals for Big Sky Cheese and the associated appeal, and were intended to be responsive to public health and safety concerns, including conditions contested. Staff appreciates the concerns regarding conditions 9, 11, 12, and 14, and would argue that obtaining approval from the Sand Coulee VFD (condition 12) is open-ended. Screening of outside stored materials is standard for storage facilities and contractor yards, but not included elsewhere in the Ag district. Conditions 11 and 14 are &quot;soft&quot; requirements, and staff specifically notes that a Landscaping plan was not recommended by Staff, but should there be one, Condition 14 was recommended in response to Montana Fish Wildlife and Parks's interested agency response.</td>
<td>§ 10.6(3)(a)</td>
<td>While the applicant does not object to the conditions of approval, the ZBOA may, in its discretion, amend, remove, or add additional, appropriate conditions supported by articulated findings of fact, or a lack thereof.</td>
<td></td>
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<tr>
<td>John Davis</td>
<td>Commenter makes broad statements regarding the purpose of the Zoning Board and the relationship with the Community. He states he is in favor of this proposal as it will provide positive employment opportunities for members of the community and elaborates on his thought process. States this will provide a positive benefit to Great Falls and will encourage people to move and visit. He believes that this business is committed to developing a positive relationship with the community.</td>
<td>This is a broad statement of support and staff found that this proposal supports Growth Policy objectives related to primary business development and value-added agricultural products as relayed in the Staff Report.</td>
<td>§ 10.6(3)(i)</td>
<td>Staff recommends obtaining approvals from other State agencies.</td>
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<tr>
<td>Charlotte Melmkne</td>
<td>Neighboring property owner asks questions on whether or not these will be union jobs and if any of the employees will be housed on site. Commenter does not believe that the development site is over a mile from her residence. In response applicant clarifies that subdivision standards are being applied for the storm-drainage, and that there will not be residences on site.</td>
<td>Whether or not the employment is union is not a zoning matter. Exhibit A shows the 1-mile buffer map for surrounding residences and shows the property at 8244 US Hwy 89 as being over a mile, &quot;as the crow flies,&quot; from the project location. The one-mile buffer is not a standard for this use, but has been self-imposed by the applicant.</td>
<td>None</td>
<td>None</td>
<td></td>
</tr>
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Kate McMahon
Notes that she has been hired by Montanan's for Responsible Land Use to provide comment on their behalf. Commenter makes general observations regarding the application and asserts that the application contains incomplete, confusing, and inaccurate data and requests that the ZBOA continue the hearing to request additional information. States that MRLU is not opposed to the distillery, but wants to make sure that it is developed with the appropriate conditions to mitigate the adverse impacts. Believes that the appropriate findings of facts are in the public comments. Commenter makes various statements regarding Big Sky Cheese and the language of the signature block in the Operational Use Statement. States that representations made in the application should be part of the conditions of approval. Notes discrepancy between trips per day and round-trips per day in staff report and requests a copy of the MOT approach permit be added to the file. Asserts that the length of the private drive warrants the ZBOA imposing a condition establishing standards for the private drive. Asserts that state building code does not adequately address fire suppression and requests that standards be entered into the record. Asserts that it is not possible for staff to evaluate whether or not the road will support the necessary level of traffic based on the lack of detail regarding road design in the application, and there is no guarantee that the roads will be adequate. Asserts that adverse impacts to surface and ground water does not take into account the reuse of wastewater for spray irrigation based on the NRCS soil report submitted during the hearing and available in the written public comments (33A+8). Request that ZBOA request a site-plan showing potential third well location. Corrects staff that there are not permits for exempt wells, but notices of completion, and DNRC does not have the authority to require monitoring devices on exempt wells. Discusses staff analysis of public comment analysis with regards to her submitted public comments and their applicability to this SUP application. The record for Big Sky Cheese has been established and is not at stake. Staff concurs that the ZBOA must clearly articulate any findings of fact on the record that support mitigating conditions. Administrative Rules of Montana (ARM) 13.12.601 adopts the International Fire Code, 2012 edition, but specifically notes that “Nothing in this rule prohibits any local government unit from adopting those portions of the IFC that are not adopted by the FPIS or standards which are more restrictive than the IFC.” ARM 24.201.131 adopts the International Building Code, which also addresses fire prevention. Staff concurs with the commenter's correction that DNRC does not issue permits for exempt wells, and has not found where the ZBOA is precluded from requesting monitoring devices on exempt wells. Staff expresses general concern that requiring monitoring devices on exempt wells, when that standard does not exist for other uses or properties with exempt wells, sets a precedent of excessive governmental intervention. Generally, staff does not take issue with the comment, and encourages the ZBOA to articulate their findings of fact as they relate to mitigating conditions, while being mindful of the need to create conditions that are proportional to the actual level of impact this development might have.

Katherine Kotinsky
Commenter thanks board for conditions regarding the Big Sky Cheese and requests the ZBOA remand the application so the applicant can revise the application to consider the full development. States that the application should be considered as a whole, including the future phases of the project, and that the application should be denied. States that this application is not an agricultural use and is not compatible with the surrounding area. Staff concurs with some of the commenter's sentiments and believes it would be a good faith gesture on the part of the applicant to withdraw the 2017 Special Use Permit application, as it complicates discussion regarding lower-intensity phases of the overall proposal. However staff and the ZBOA are obligated to consider what has been approved along with what is currently being processed, and notes that the Agricultural district provides for a wide variety of uses, many of which are non-agricultural, including light manufacturing and assembly, and warehousing.

Carolyn Craven
Commenter requests data sources from applicant on how calculations were conducted and made available to the public. Reads portion of the FWP comment related to water use as it impacts the amount and quality of water in area streams in rivers, specifically with regards to Giant Springs. Development figures are commonly based on estimates and staff does not pretend to have expertise in water or wastewater management, and instead relies on specialists to provide and review these figures in the course of other agency permitting.

Linda Metzger
Specifically disagrees with Brett Doney and does not believe the board is too strict. Nothing additional.

Nate Kluz
Expresses concerns regarding traffic and the tasting room. References figures from original application. Notes that there is not a call-out for a tasting room in the regulations. Suggests that there are other more suitable locations for this operation. Suggests there is a better means of conducting the SUP process. MDT and other State permitting has been addressed. Staff believes that a tasting room in the Ag district, if established, fits as an extension of the overall facility, however defers to the authority of the ZBOA. Staff appreciates the commenter’s frustration with the SUP process, but notes that § 10.6(4) "Expiration" of the Zoning Regulations only provides for approval of one particular use, and that approval expires one year after the date of approval, with caveats on extension. While this complicates phasing plans, staff believes the intent is to provide specific review criteria in a timely manner, as surrounding conditions that affect a development are known to change over time.

Verbal Public Comment

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Katherine Kotinsky
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Linda Metzger
Specifically disagrees with Brett Doney and does not believe the board is too strict. Nothing additional.

Nate Kluz
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<td>Carolyn Crown</td>
<td>Comments 1A + 1B</td>
<td></td>
<td>Background information regarding applicable definitions, water/wastewater/total water information, distribution processes. Commenter provides calculations regarding wastewater generation that conflict with figures provided by applicant. Commenter asks questions regarding water and wastewater management.</td>
<td>Water and Wastewater usage permitting is handled through the Department of Environmental Quality (DEQ) and the Department of Natural Resources and Conservation (DNRC). Staff has not found that this is material to general Zoning considerations but relates to § 10.6(2)(f) &quot;Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.&quot;</td>
<td>§ 10.6(2)(f) &quot;Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.&quot;</td>
<td>Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.</td>
</tr>
<tr>
<td>Carolyn Crown</td>
<td>Comments 2A + 2B</td>
<td></td>
<td>Commenter provides background information from application, notes that detailed water/wastewater calculations are not provided. Commenter provides journal citations related to distillery wastewater that note various detrimental environmental effects, makes specific note of molasses-based distilleries, impact to livestock, and feasibility of using untreated waste-water for spray irrigation.</td>
<td>Molasses-based distillation is generally associated with the production of rum, which could be produced on site in addition to other spirits/liquors. Calculations provided for wastewater appear to be specific to molasses-based distillation and based on peak production that assume 100% of distillation on-site. Journal article also appears to reference development in India, however a full copy of the study was unavailable. DEQ and DNRC permitting regulates the handling of wastewater. Studied impacts of distillery wastewater for reuse as spray irrigation or a livestock nutrition raises concerns with the handling of untreated wastewater.</td>
<td>§ 10.6(2)(f) &quot;Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.&quot;</td>
<td>Staff recommends condition for Special Use Permit: &quot;Applicant obtain Nutrient Management Plan through DEQ, if applicable.&quot;</td>
</tr>
<tr>
<td>Janet Nelsen</td>
<td>Comments 3A + 3B</td>
<td></td>
<td>Commenter requests procedural concerns and requests meeting time changed to evening.</td>
<td>This is not relevant to Zoning or the imposition of SUP conditions.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Vito Diaz</td>
<td>Comment 4</td>
<td></td>
<td>Commenter cites § 2-3-103(111) MCA regarding public participation and notes previous level of participation, requests start time be reconsidered and notes previous evening meetings were appreciated.</td>
<td>This is not relevant to Zoning or the imposition of SUP conditions.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Carolyn Lynne Smith</td>
<td>Comment 5</td>
<td></td>
<td>Commenter cites § 10.6(2)(d) &quot;Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.&quot;</td>
<td>This is not relevant to Zoning or the imposition of SUP conditions. The Planning Department received this application on December 4, 2019, which was covered by multiple local news sources and received 8 public comments as of February 2, 2020. The application was legally noticed in the Great Falls Tribune on January 26, and February 2, 2020, satisfying legal notice requirements. Board meetings are scheduled primarily based on availability, and the 28DA can table or postpone the public hearing to a later date and time.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Deborah Johnson</td>
<td>Comment 6</td>
<td></td>
<td>Almost identical to Comment 5 with minor alterations.</td>
<td>See above.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Carolyn Crown</td>
<td>Comments 7A + 7B</td>
<td></td>
<td>Commenter provides background information from application related to traffic and provides calculations regarding traffic volumes. Commenter argues that increased traffic will &quot;significantly impact the residences on a damages to that area.&quot; Commenter raises concerns related to fire protection and emergency access. Commenter argues that the increase in traffic will have a detrimental impact on Goal 2 and 3 of the Growth Policy. Commenter asks questions related to the applicant’s business plan.</td>
<td>US 89 is a well established transportation route between Great Falls and large swaths of the Eastern side of Montana. The Montana Department of Transportation’s declaration of a Traffic Impact Study is a strong indicator that this proposal is unlikely to materially endanger public health or safety. The applicant’s proposed access road connects directly to US Hwy 89 and bypasses residences and other development.</td>
<td>§ 10.6(2)(i) &quot;Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.&quot;</td>
<td>Staff recommends: Applicant obtain approach permit from Montana Department of Transportation, and conducts Traffic Impact Study, if applicable.</td>
</tr>
<tr>
<td>Chell Maloney</td>
<td>Comment 8</td>
<td></td>
<td>Commenter requests late afternoon or evening meeting time.</td>
<td>This is not relevant to Zoning or the imposition of SUP conditions.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Jacqueline R. Ward</td>
<td>Comment 9</td>
<td></td>
<td>Commenter requests evening meeting time.</td>
<td>This is not relevant to Zoning or the imposition of SUP conditions.</td>
<td>N/A</td>
<td>None</td>
</tr>
<tr>
<td>Karen Carlson</td>
<td>Comment 10</td>
<td></td>
<td>Commenter raises broad questions regarding the application to scope, traffic concerns, wastewater treatment, water usage, and participation from the City of Great Falls. Commenter makes non-material statements regarding the applicant, Zoning Board, and Commission.</td>
<td>Permitting from other agencies has been addressed. County Planning provided an Interested Agency notification to the City of Great Falls Planning Department and has not received any comment.</td>
<td>§ 10.6(2)(i) &quot;Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and approaches.&quot;</td>
<td>Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.</td>
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Written Public Comment

Christine Ellsworth

Comment 11
Committer questions the veracity of the Applicant’s claims that they would be producing “Made in Montana” products. Argues throughout that this project is part of a larger whole (slaughterhouse), that would run counter to local efforts to improve tourism, and will discourage investment.

Comment 12
Committer questions the veracity of the Applicant’s claim regarding applicant’s proposed fire prevention measures and fire department response escalation.

Special Use Permits are considered on a case-by-case basis, and the relationship to other development can only be done in the context of what has been formally reviewed and approved, not on speculative or pending applications. When considering the combined impacts of the Silver Falls Distillery and Big Sky Cheese, and the general distance from surrounding residences and other development, staff has not found that the impacts of this facility would be significantly detrimental to tourism or investment efforts, and in fact are likely to have an opposite effect.

Shannon Guirey

Comment 13
Committer requests that insufficient information is available to determine the application’s impact on public health and safety particularly with regards to fire prevention, and provides general information regarding recent fires at distilleries, and standards from the National Fire Protection Association. Committer asks questions regarding applicant’s proposed fire prevention measures and fire department response escalation.

Special Use Permits are considered on a case-by-case basis, and the relationship to other development can only be done in the context of what has been formally reviewed and approved, not on speculative or pending applications. When considering the combined impacts of the Silver Falls Distillery and Big Sky Cheese, and the general distance from surrounding residences and other development, staff has not found that the impacts of this facility would be significantly detrimental to tourism or investment efforts, and in fact are likely to have an opposite effect.

Erik Nielsen

Comment 14
Committer requests well installed by Applicant be equipped with monitoring devices and quarterly reports submitted to the Planning Department. Committer argues that § 85-2-306(3)(a)(vi), addressing combined appropriations of exempt wells, is not applicable to this project. Committer also provides information from Mike Heffner, Water Rights Bureau Chief, DNRC, stating that the department is precluded by statute from requiring any type of measurement device on wells that are issued under § 85-2-306, MCA (§ 85-2-113(2)(a) MCA). If someone suspects illegal water use may be occurring, they may file a complaint with the department, and it will investigate the complaint.

The Planning Department requires an Applicant to satisfy pre-construction conditions, such as those necessary for water usage permitting and licensing. Water usage permitting and licensing is handled by the DNRC, and determinations regarding combined appropriations, or general water usage, are outside of Planning staff’s authority or expertise. Staff recommends that any monitoring, or usage complaints, are directed to DNRC or the City-County Health Department’s Environmental Health Division.

Comment 15
Committer provides letter of opposition to Big Sky Cheese, Silver Falls Distillery, and slaughterhouse, regarding applicant’s proposed fire prevention measures. Substantial findings of fact would need to be established before additional conditions could be implemented requiring additional fire prevention measures.

David Brooks

Comment 16
Committer provides letter of opposition to Big Sky Cheese, Silver Falls Distillery, and slaughterhouse, regarding and meeting process, and makes various representations regarding previously approved text amendments. Comment largely regards Big Sky Cheese and slaughterhouse impacts, however raises concerns about water supply and environmental impacts to hatcheries and aquatic life.

Impacts from Big Sky Cheese must be considered in relation to Silver Falls Distillery, however it is difficult to anticipate the impacts of an inactive application and its relationship to this Special Use Permit, or any other SUP that may be applied for in the future. Permitting from other agencies has been addressed.

The Planning Department requires an Applicant to satisfy pre-construction conditions, such as those necessary for water usage permitting and licensing. Water usage permitting and licensing is handled by the DNRC, and determinations regarding combined appropriations, or general water usage, are outside of Planning staff’s authority or expertise. Staff recommends that any monitoring, or usage complaints, are directed to DNRC or the City-County Health Department’s Environmental Health Division.

Carlynn Crown

Comment 17
Committer argues that insufficient information is available to determine the application’s impact on public health and safety particularly with regards to fire prevention, and provides general information regarding the Sand Coulee VFD and information from the application. Committer provides information regarding recent fires at facilities, and standards from the National Fire Prevention Association. Committer asks questions regarding applicant’s proposed fire prevention measures and fire department response escalation.

While this is a private development, impacts to public health and safety can be broadly construed to include the proposed business’s employees and risks to surrounding property. The applicant’s proposed business includes various types of vehicular traffic, and staff has not found that emergency vehicle access would require special considerations. The CCZR do not require private drives or roads to be built to a certain standard, and do not require secondary access as part of any development. Fire suppression requirements are dictated by State Building Codes, and supplemental fire prevention measures are not mandated by Zoning. Substantial findings of fact would need to be established before additional conditions could be implemented requiring additional fire prevention measures.

Written Public Comment

None

10-6(2)(g) “The proposed development will be consistent with the Cascade County Growth Policy.”

10-6(2)(e) “Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater”

Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.

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10-6(2)(e) “Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater”

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10-6(2)(e) “Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater”

Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.

10-6(2)(e) “Protection of services and utilities, including sewer, water, electrical, telecommunications, garbage collections, and fire protection.”

Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.

4
Comment 16

Commenter identifies their main concerns as traffic along US Hwy 89 and on the applicant’s proposed access road and states that the applicant should be required to provide a secondary access road for emergency services. Commenter also raises concerns regarding water usage and availability, and asks for a metering system to monitor water usage. Commenter asks if more permits will be required in the future for increased traffic, water usage, and waste water.

Staff concurs with the commenter’s concerns regarding future traffic impacts and what is certain to be an increase in use of US Hwy 89, both as a result of this development and general development regionally. However, staff has not found justification to claim jurisdiction over State Highways or where a local authority can dictate to a state agency development requirements. Water and wastewater permitting has been addressed. Future development will require additional permits.

Staff recommends: Condition SUP on meeting DEQ and DNRC regulations.


Comment 17

Commenter makes various representations regarding the applicant, Commission, and process. Attests document from Montanans for Responsible Land Use titled “Public Input Topics” that identifies several areas of citizen concern and poses various questions regarding the application.


Comment 18

Commenter makes various assertions regarding the scheduled meeting time. Commenter largely appears to address concerns related to the full proposed build-out of both Big Sky Cheese and Silver Falls Distillery, and related impacts. Commenter also notes job service listing of 7,750 jobs available in Great Falls and Cascade County and questions whether 3000 more jobs are needed. Commenter also notes the Planning Department’s website, and the affadavit of publication from the Great Falls Tribune, as well as the legal notices that were mailed to surrounding property owners could not show this error as the notice since the application with the alternate Geo-codes had not been submitted until after the notices had been sent and published. Access roads do not require a Special Use Permit, however the application is still reviewed based on the traffic generated and its relationship to surrounding roads.

1) The noted error is only shown on the Planning Department’s website, and the affidavit of publication from the Great Falls Tribune, as well as the legal notices that were mailed to surrounding property owners could not show this error as the application since the application with the alternate Geo-codes had not been submitted until after the notices had been sent and published. Access roads do not require a Special Use Permit, however the application is still reviewed based on the traffic generated and its relationship to surrounding roads.

2) This is a private road and there is no requirement for the applicant to assure access to the public. Staff would find it surprising if the applicant land-locked their investment by failing to secure an easement should they sell the access property, and is skeptical that this would ever become an issue, however a condition regarding this could be added for clarity as the comment suggests. References to compliance with the Montana Subdivision and Platting Act are irrelevant as this is not a subdivision. Should the ZBOA determine road design standards be met, the State of Montana and Cascade County Subdivision regulations provide guidance for a developer.

3) Permitting from other agencies has been addressed. The ZOB in its discretion may request additional information from the applicant, however this is not a strictly zoning based matter.

4) The commenter’s suggestions are helpful, however appear to reference the Subdivision regulations in many cases. Commenter incorrectly notes that underground utilities are a requirement of new subdivision (“...wherever practical.” § 10-09(B) Cascade County Subdivision Regulations). In any case, this is not a subdivision and those standards are of dubious applicability. Regardless, staff concurs with the commenter’s assessment that the Multi-Hazard Mitigation Plan identifies the subject parcel as either moderate to high risk of wildfire, lending justification to the need for a secondary emergency access. Fire suppression codes are dictated by the State, however Staff requests clarity with regards to any condition that may be imposed that requires a secondary/emergency access.

Written Public Comment


Comment 19A + 19B

1) Commenter notes error in legal notice on website, and notes that the subject parcel requires access through a separate parcel and requests meeting be continued to resubmit the notice.

2) Commenter makes statements regarding the establishment of an easement for the parcel and provides suggested conditions. Commenter notes distinction between trips per day and round trips per day and notes discrepancies in traffic estimates. Commenter provides information regarding road surfacing and the need for the road to be constructed to certain standards. Commenter provides recommendations regarding these items.

3) Commenter makes notes regarding air quality, water quantity, and asserts there is inadequate information to make a determination regarding water and wastewater use. Commenter provides suggestions regarding the ZBOA obtaining additional information.

4) Commenter notes concerns regarding the establishment of easements, and references the Multi-Hazard Mitigation Plan with regards to the need for fire protection and offers recommendations regarding mitigation.

5) Commenter also raises concerns regarding water usage and availability, and asks for a metering system to monitor water usage. Commenter asks if more permits will be required in the future for increased traffic, water usage, and waste water.

These concerns have been addressed previously.


Comment 20A + 20B / 21A + 21B

1) Commenter notes error in legal notice on website, and requests meeting be continued to resubmit the notice.

2) Commenter makes statements regarding the establishment of an easement for the parcel and provides suggested conditions. Commenter notes distinction between trips per day and round trips per day and notes discrepancies in traffic estimates. Commenter provides information regarding road surfacing and the need for the road to be constructed to certain standards. Commenter provides recommendations regarding these items.

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4) Commenter notes concerns regarding air quality, water quantity, and asserts there is inadequate information to make a determination regarding water and wastewater use. Commenter provides suggestions regarding the ZBOA obtaining additional information.

5) Commenter notes concerns regarding the establishment of easements, and references the Multi-Hazard Mitigation Plan with regards to the need for fire protection and offers recommendations regarding mitigation.

Written Public Comment


Comment 22A

Commenter provides information from the application related to traffic impacts and the private access road and poses various questions related to this topic. Commenter also poses various questions related to employment. Commenter makes assertions regarding the impacts the businesses hours of operation and traffic will have on the surrounding area.

Staff concurs with the commenters concerns regarding future traffic impacts and what is certain to be an increase in use of US Hwy 89, both as a result of this development and general development regionally. However, staff has not found justification to claim jurisdiction over State Highways or where a local authority can dictate to a state agency development requirements. Water and wastewater permitting has been addressed. Future development will require additional permits.


Comment 23A / 23B

Commenter provides a breakdown of cumulative impacts related to Big Sky Cheese and Silver Falls Distillery.

Staff appreciates the effort taken by the commenter to compile and provide this information.


5
Comment 23  Staff recommends obtaining approvals from other State agencies.

Commenter asserts this is a Value-Added Agricultural business and is more appropriate in the Commercial District. Commenter requests that comment be considered as two separate comments. Commenter notes that the proposed facility will be located on a parcel of land zoned for commercial use and is not under the purview of the Zoning District. The operation fits under the broad definition of a "distillery" in the Cascade County Zoning Regulations as well as "domestic distillery" under Montana Code. The initial phases of this proposal could also have been captured as a "warehouse" for the initial stages, also a special use permit in the Agricultural District. Zoning does not dictate where a business must source their products.

Comment 24  Staff recommends obtaining approvals from other State agencies.

Commenter also raises concerns regarding the provision of water metering, and that wastewater is a concern. Since there are no facilities for recycling glass or plastic in Cascade County, the space. Commenter provides assertions regarding general public due to intoxicated driving and bio security to the site. Commenter requests the application be denied.

Comment 25  Staff recommends obtaining approvals from other State agencies.

Commenter requests evening meeting or different date to provide public comment. Commenter raises concerns about water, wastewater, traffic, and emergency services, and potential impacts on surrounding properties. Per statute, the DNRC is prohibited from requiring controlling or monitoring devices on exempt wells outside of controlled ground water areas (Cascade is not a controlled area), "unless the maximum appropriation of the well is in excess of the limitation contained in §85-2-113(2)(b)" (§85-2-113(2)(b)) calculations appear to show that the combined appropriation of Big Sky Cheese and Silver Falls Distillery would exceed this threshold, which would in turn grant DNMC the right to require monitoring devices. The ZBOA can, in its discretion, include a condition to require well-monitoring devices, however Staff is unclear how this relates to the authority of state agencies. Any condition related to hours of operation needs to be carefully constructed and thoroughly supported to justify its imposition on a particular special use while other principal and special uses do not mandate such a consideration.

Comment 26  Staff recommends obtaining approvals from other State agencies.

Commenter requests that comment be considered as two separate comments. Commenter requests imposition of hours of operation and relates the comment back to calculations for water, wastewater, and traffic. Commenter states that there is insufficient data regarding water and wastewater and requests that the applicant provide additional information. Commenter also asserts that well monitoring is not under the purview of the ZBMC.

Comment 27  Staff recommends obtaining approvals from other State agencies.

Commenter requests the application be denied. For statute, the ZBMC is prohibited from requiring controlling or monitoring devices on exempt wells outside of controlled ground water areas (Cascade is not a controlled area), "unless the maximum appropriation of the well is in excess of the limitation contained in §85-2-113(2)(b)" (§85-2-113(2)(b)) calculations appear to show that the combined appropriation of Big Sky Cheese and Silver Falls Distillery would exceed this threshold, which would in turn grant DNMC the right to require monitoring devices. The ZBOA can, in its discretion, include a condition to require well-monitoring devices, however Staff is unclear how this relates to the authority of state agencies. Any condition related to hours of operation needs to be carefully constructed and thoroughly supported to justify its imposition on a particular special use while other principal and special uses do not mandate such a consideration.

Comment 28  Staff recommends obtaining approvals from other State agencies.

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Comment 29  Staff recommends obtaining approvals from other State agencies.

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<table>
<thead>
<tr>
<th>Commenter</th>
<th>Comments</th>
<th>Written Public Comment</th>
<th>State building codes will set minimum requirements for on-site fire suppression. § 10.6(2)</th>
<th>Staff recommends obtaining approvals from other State agencies.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LaLonnie and Dennis Ward</td>
<td>32A + 32B + 32C</td>
<td>Commenter provides technical documentation of guidelines for fire prevention, safety and protection from the Distilled Spirits Council of the United States and requests that the applicant provide a detailed plan for fire protection.rosse and Dennis Ward Comment 32A + 32B + 32C. Commenter provides technical documentation of guidelines for fire prevention, safety and protection from the Distilled Spirits Council of the United States and requests that the applicant provide a detailed plan for fire protection.</td>
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<tr>
<td>Kathleen McMahan, on behalf of</td>
<td>33A + 33B</td>
<td>Commenter provides NRCS Web Soil Survey data with information regarding the viability of disposal of wastewater by irrigation on the property. Requests the applicant provide more data and the hearing be continued. The concern has been addressed, and appears to be handled by the Department of Environmental Quality. § 10-6(4)</td>
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<td>Carolyn Crown</td>
<td>34A + 34B</td>
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<td>Carolyn Crown</td>
<td>35A + 35B</td>
<td>Commenter provides information regarding fire risks at Distilleries and poses questions regarding fire suppression and emergency vehicle access. The concern has been addressed, and appears to be handled by the Department of Environmental Quality. § 10-6(4)</td>
<td>10-6(2)(4)(5)</td>
<td>Staff recommends obtaining approvals from other State agencies.</td>
</tr>
<tr>
<td>Carolyn Crown</td>
<td>36A + 36B</td>
<td>Commenter raises various concerns regarding odor and fumes, noise, and dust and glare, and the permitting of additional buildings. Many of these concerns are addressed by State agencies and mitigated by the general distance of the project site to surrounding properties. Additional permitting would be required for any additional structures, however whether or not those require review by the ZBOA would need to be determined on a case-by-case basis as the regulations appear written to address &quot;use&quot; rather than individual structures. § 10-6(2)(4)(5)</td>
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<td>Carolyn Crown</td>
<td>37A + 37B</td>
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<td>Josh Waggoner</td>
<td>38</td>
<td>Commenter provides an analysis of the purpose of zoning and conflates this project with the whole Madison Food Park operation. Commenter asserts that the chosen location is inappropriate for the use and makes various assumptions and assertions regarding the process. Many of the commenter's assertions are irreverent, however staff concurs that the project should only be approved if the impacts can be reasonably mitigated. § 10-6(2)(8)</td>
<td>10-6(2)(8)</td>
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