1. CALL TO ORDER: Chairman Bill Austin called the meeting to order at 09:08 AM
2. ROLL CALL:
   BOARD MEMBERS PRESENT: Bill Austin, Charles Kuether, Michele Levine, and Rob Skawinski.
   BOARD MEMBERS ABSENT: Leonard Reed.
3. APPROVAL OF THE MINUTES: NONE.
4. OLD BUSINESS: NONE.
5. NEW BUSINESS:
   A. SUP 001-2020, Second Dwelling – Marty Severson
      1. Anna Ehnes: presents the Staff Report.
      2. Board Discussion & Decision
Board Discussion: Audio Part 1 [00:18:18]¹

Bill Austin: asks if the Board has any questions and if the applicant is present.

Sandor Hopkins: says that the applicant is not present.

*Bill Austin, Charles Kuether, and Michele Levine discuss the next order of business.*

Public Hearing opens at 09:27 AM

Proponents: none

Opponents: none

Public Hearing closes at 09:27 AM

Board Discussion & Action: Audio Part 1 [00:20:18]

Rob Skawinski: moves “[...] the Board adopt the Staff Report and approve the Special Use Permit to allow the placement of a Second Dwelling on Mk 18B in the E 1/2 NE 1/4 of Section 8, Township 21 North, Range 4 East, referenced as Parcel 0002677100, Geocode 02-3139-08-1-01-10-0000 subject to the following conditions:

1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
2. Applicant obtains address from Cascade County GIS Mapping and Addressing for E911 purposes.
3. Applicant obtains septic permit from the City-County Health Department.”

Charles Kuether: seconds the motion for approval.

*All in Favor, motion carries 4-0.*

B. SUP 016-2019, Distillery – Madison Food Park, Silver Falls Distillery

1. Sandor Hopkins: presents the Staff Report.

BOARD MEETING BREAK STARTS AT 10:27 AM

BOARD MEETING BREAK ENDS AT 10:34 AM

2. Board Discussion & Decision

Board Discussion: Audio Part 2 [00:19:00]²

Bill Austin: asks for the applicant to come to the podium.

Charles Kuether: asks if the Board could discuss between the staff and themselves first.

Bill Austin: says that he would like the applicant to come up to the podium first.

Joe Murphy: states he is with Big Sky Civil and Environmental (BSCE) at 1324 13th Avenue SW, in Great Falls, MT 59404. He explains what the engineering company does. He explains how BSCE assisted Madison Food Park in their Special Use Permit (SUP) with planning level services. He also says that Silver Falls Distillery plans to ship and bottle the products at the proposed facility. In the future, the facility plans to distill and blend the products at the facility. Afterward, he gives an

¹ Due to upload size restrictions the audio has been broken down into four (4) parts.
² Please see footnote 1.
overview of some planning and design-related task services BSCE has been involved with, such as water usage plans and plans to mitigate traffic.

**Charles Kuether**: asks about the amount of wastewater being treated to be able to reuse it on the land.

**Joe Murphy**: explains why the amount of wastewater appears large.

**Michele Levine**: asks if the three hundred thousand gallons of processed water including the distillery and the cheese plant.

**Joe Murphy**: replies it is just the distillery.

**Michele Levine**: asks what the cumulated amount will be for land application irrigation.

**Joe Murphy**: says he can only speak only in terms of the acre-feet per year. He says but it may be somewhere near thirteen-point eight (13.8) acre per feet for water consumption and twelve (12) acre-feet per year of water disposal.

**Rob Skawinski**: asks for clarification on how many gallons per day per acre.

**Charles Kuether**: explains it is just the amount per day per acre for just the distillery and not for the combined total.

**Rob Skawinski**: understands. He says that today they are only looking at the amount concerning the distillery, not the overall project.

**Charles Kuether**: explains that he wants to look at the amount of water in terminology that is relatable and understandable.

**Rob Skawinski** agrees. He says hundred (100) gallons per day is imaginably about three (3) fifty-five (55) gallon drum of water per day per acre.

**Charles Kuether** agrees.

**Joe Murphy**: says for estimating, they look at agronomics uptake rates of the nutrients that will be available from the treated waste stream and the hydraulic requirements for crops such as wheat and alfalfa crops. With both the Big Sky Cheese and Silver Falls Distillery wastewater, they should be in the range of about twelve to fifteen (12-15) acres to meet the hydraulic requirements and the nutrient requirements needed for the crops.

**Bill Austin**: says that he imagines it to be as if someone has a home and an irrigation system that they run for four (4) hours per day.

**Joe Murphy** agrees.

**Bill Austin**: asks if Mr. Murphy can repeat his name and his business once more.

**Joe Murphy**: states his name and that he works at Big Sky Civil & Engineering, Inc (BSC&E) in Great Falls, MT.

**Charles Kuether**: says regarding page nine (9) of the Staff Report in the second paragraph of the applicant’s response if Mr. Murphy would be willing to supply the test pumping information to the Board.

**Joe Murphy** says yes.

**Charles Kuether**: says regarding page ten (10) in the first full paragraph, in the middle of the page the staff’s response, he asks if Mr. Murphy could provide the Board further clarification.
Joe Murphy: says he addressed it in part of his presentation. He says that he thinks the questions were concerning the flows in the application.

Charles Kuether: replies yes.

Joe Murphy: says the eleven hundred and fifty gallons per day (1,150) is process water that will be used to rinse the bottles out on a low flow level (the equivalent of one to two ounces of water to be used to rinse out one bottle). They based the amount of the eleven hundred and fifty gallons per day (1,150) of that two (2) ounces of water (used to rinse out one bottle) when the bottling process of the distillery is at the full production level of two-point nine million (2,900,000) bottles per year. The four hundred and fifty (450) gallons per day for domestic wastewater generation is low for they are assuming twenty-five (25) gallons per person per day will be used. This assumption that twenty-five (25) gallons per person per day will be used is higher than the average amount, which is fifteen (15) gallons per person per day, that is recommended by the EPA (the Environmental Protection Agency) and DEQ (the Department of Environmental Quality). Overall, they predict the initial water usage at the facility, and wastewater generation should be around sixteen hundred (1,600) gallons of water per day. When the distilling process begins, it will appear to be a larger water amount of usage for most of it will be consumed by the distilling process to make the different distilled spirits.3

Charles Kuether: says that they have just received this letter and have not had the time to fully read it or analyze. He asks if it is Mr. Murphy is okay if they or the staff send him some further questions to answer if necessary.

Joe Murphy: replies yes.

Charles Kuether: says on page twenty-five (25) of the Staff Report, Mr. Murphy states that a fire hydrant can be placed on-site if necessary and would be available to the local fire department. He asks if Mr. Murphy would be committed to providing and what is the “if necessary” pointing towards.

Joe Murphy: asks where Mr. Kuether is reading from in the Staff Report.

Charles Kuether: says that he is reading from the bottom of page twenty-five (25) of the Staff Report Question C, the applicant’s response paragraph on the fourth line. He reads the second sentence of the applicant’s response to Question C.

Joe Murphy: replies that they have not had any feedback from the local fire department. He understands that the County Planning Department has reached out to them to request to comment on the distillery. The fire department has still not given any feedback yet, that he is aware of. If the project is approved, they will be working with the local fire department to ensure that their concerns are addressed. When BSC&E works on projects such as a subdivision, they put in a cistern that the fire department can use. Likewise, they plan to install a cistern at the distillery that can be used by the fire department if necessary, for both the facility and nearby properties if said fire occurs.

Charles Kuether: says based on his experience, living outside of town, he finds it important that the fire department has an additional source of water if their tank runs out of water. He wonders if there is a commitment to allow the fire department access.

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3 For more information on the process of manufacturing and packaging a distilled spirit or what is a “distilled spirit” please visit https://www.britannica.com/topic/distilled-spirit.
Joe Murphy: says that they can commit to providing access to the cistern and the water that is within the cistern for neighboring properties.

Bill Austin: asks if there are any other distilleries that Madison Food Park owns.

Joe Murphy: says that it is his understanding that Madison Food Park has no other distilleries.

Bill Austin says that most of the estimations for this project are based on the absolute best information that the engineers can gather since Madison Food Park does not have any prior distilleries.

Joe Murphy: say yes

Bill Austin: says that he is trying to view this project as a brand-new business. He says that it is hard for him to imagine that Mr. Murphy can give the Board an exact calculation for water usage levels and wastewater generation levels based on the engineers' best estimations.

Joe Murphy: says that engineers are using information that is based on information gathered from other distilleries’ water usage levels and wastewater generation levels, for this application.

Bill Austin: understands.

Charles Kuether: says on page twenty-seven (27) of the Staff Report, “Alternative 2” of the motions, he asks if Madison Food Parks has any objections to any of the conditions the staff has provided.

Joe Murphy: says no.

Charles Kuether: says concerning the original application, he asks who Silver Falls Distillery is.

Joe Murphy: says that Silver Falls Distillery is a limited liability company (LLC) established in the state of Montana. It will be a separate entity that will be leasing the ground and the building from Madison Food Park.

Charles Kuether: asks if it has the same ownership as Madison Food Park.

Joe Murphy: says that it is his understanding that the owners will be different than Madison Food Park’s owner.

Charles Kuether: asks why there is a distinction.

Joe Murphy: says that other partners are being considered for the distillery who do not have ownership of the land or may not be investing in the infrastructure. These partners will only be involved with the business aspects, such as distilling, bottling, packaging, and shipping.

Rob Skawinski: says on page twenty-two (22) of the Staff Report, the applicant discusses a stormwater prevention plan being implemented in the course of construction. After construction does DEQ require a permanent stormwater prevention plan to be in place for the facility.

Joe Murphy: replies no and there is no type of stormwater requirement for this type of facility. Therefore, they are designing it around the subdivision stormwater requirements for DEQ, Circular 8.

Michele Levine: asks if he has seen the comments from Montana Fish, Wildlife & Parks.

Joe Murphy: says that he has read them and understands that it pertains to grizzly bears habitat.

Michele Levine: asks if he has read it regarding water, wells, and aquifers.

Joe Murphy: replies yes.

Michele Levine: says Goal 5 of the Growth Policy asks the Zoning Board of Adjustments (ZBOA) to help preserve and promote natural and cultural heritage. She asks if Mr. Murphy can address Montana Fish, Wildlife & Parks regarding potential impacts to the Madison Aquifer, Giant Springs, aquatic wildlife, and the fisheries.

Joe Murphy: says both exempts wells have been evaluated by hydrogeologists who have determined that there will be a negligible impact on the amount of water flowing through the Madison formation. All wastewater treatment and disposal will comply with DEQ requirements and standards. Most of the effluent will be used on the crops, and there will be stormwater treatment and detention facilities to keep runoff to the predevelopment conditions.

Michele Levine: says that the applicant objected to the monitoring of wells. DNRC has also indicated that they do not do the monitoring of exempt wells. Montana Fish, Wildlife & Parks recommends it. She asks if he will address potential impacts on private and public wells.

Joe Murphy: says the wells will be pump tested to demonstrate that there will be no adverse impact on the Madison formation and any nearby neighbors to the project’s address.

Michele Levine: asks what the timeline on the test pumping is.

Joe Murphy: says it will be completed when the wells are completed. Both wells should be completed by the end of February. Thus, the test pumping results should be completed next month.

Michele Levine: asks concerning page eight (8) of the Staff Report if Mr. Murphy can address if the need for a discharge permit.

Joe Murphy: replies currently there is no need for a discharge permit.

Michele Levine: asks concerning page ten (10) of the Staff Report if Mr. Murphy has any comments on the two (2) exempt wells being considered a combined appropriation.

Joe Murphy: replies that due to both wells being exempt, it is not applicable.

Michele Levine: asks what about the concern that it is a combined appropriation.

Joe Murphy replies it has been addressed by the proximity of the wells to one another. He says they can place two (2) exempt wells on the property if the wells are at least one-quarter mile apart.

Michele Levine: asks concerning page ten (10) of the Staff Report if Mr. Murphy will specify what types of buffering features are being proposed.

Joe Murphy: says that the applicant plans to provide a significant amount of vegetation, and trees around the buildings.

Michele Levine: asks how will dust control be mitigated.

Joe Murphy: says during construction there will be dust palliatives and water applied to the roadways to keep dust to a minimum.
Michele Levine: asks concerning page thirteen (13) of the Staff Report if Mr. Murphy could explain what the applicant has in mind for dark sky friendly lighting and landscaping.

Joe Murphy: says that they will be working with electrical designers to design lighting that are dark-sky friendly.

Michele Levine: asks concerning page eighteen (18) of the Staff Report, what is their plans are for using renewable energy.

Joe Murphy: replies they have been discussing using wind turbines, solar panels, or supplemental energy at the facility. However, nothing has been designed or implemented yet, so far.

Michele Levine: asks if the wind turbines would be able to comply with the Military Overlay District requirement.

Joe Murphy: says that they will have to look at that depending on the height of the wind turbine.

Michele Levine: asks measures of what design features are in place to address odors, noise, and lights on page twenty (20) of the Staff Report.

Joe Murphy: replies to the best of his knowledge, he does not find that there will be much odor. He asks for her to repeat the page number of the Staff Report that they are looking at presently.

Michele Levine: says on page twenty (20) of the Staff Report in the middle of the paragraph. She repeats her question.

Joe Murphy: replies if necessary, in the event if wastewater is to be stored on-site and needs to be aerated. Then, mitigation measures will be implemented. If there are to be any odors from the distillery. Then, they will install carbon filters. As for noise, it is not anticipated other than some noise from traffic. All operations will be indoors, and the closest residence is located one (1) mile away. Light pollution was discussed previously.

Michele Levine: says on page twenty-three (23) of the Staff Report, it states the distillery will eventually produce its own distilled spirits and liquor. She asks why there is a delay.

Joe Murphy: replies that he cannot answer that question, but the applicant can.

Edward Friesen: says he lives at 3737 5th Ave. N, in Lethbridge, Alberta, Canada. He says that they are producing distilled spirits in Canada and Mexico. These distilled spirits are ready for bottling and distribution. He says that it takes a long time for a distillery to get ready. They anticipate that it will take three (3) years until they are ready to distill on-site. Since the grains that they plan to use in the drinks are specific. They will need to be grown here. In the meantime, they would like to still hit the ground running, so they are starting by bottling.

Michele Levine: asks if the facilities in Mexico and Canada land applying wastewater.

Edward Friesen: replies no as they are blending the ethanol. There is no discharge of water as the wastewater is recycled at the Canadian facility. However, he cannot speak as to what they are doing at the facility in Mexico, which specializes in tequila made from blue agave located in a specific region of Mexico.

Michele Levine: asks what characteristics will be in the effluent that will be land applied if known.

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5 Please see footnote 3.
Joe Murphy: says that it is his understanding that the volume of wastewater is very slight, and they are evaluating when the distillery is implemented currently. Overall, they would like to recycle the water inside the distillery before land applying it.

The Board discusses with one another.

Charles Kuether: says that he has additional questions, but not to the applicant.

The applicant leaves the podium. The Board then continues to discuss with one another.

Charles Kuether: asks the staff regarding §10.9 of Cascade County Zoning Regulations if the Board was to approve the Special Use Permit (SUP). Then, the Planning Department issues a conditional letter of approval.

Sandor Hopkins: replies that it is correct.

Charles Kuether: says that he assumes that the Planning Department does not issue the permit until all those conditions are met.

Sandor Hopkins: says that the assumption is correct. The department will not issue the final permit until all the conditions have been met and satisfied.

Charles Kuether: explains the reason he is asking. He then asks the county attorneys regarding page two (2) the definition of a distillery and later in the Staff Report where the staff state that the initial use of the facility is more of a bottling facility than a distillery. He says that he does not see a bottling facility being an allowed use in a Special Use Permit, but a distillery is permitted. Under the timeline that Mr. Friesen is proposing, he asks if the applicant is permitted to have a distillery if it cannot officially become a distillery until three to five (3-5) years.

Carey Ann Haight understands that his question is whether this project fall into the categories of a distillery in our County Zoning Regulations.

Charles Keuther: adds that he is also wondering if it falls under the state's statutes.

Carey Ann Haight says that the definition of a distillery does include packaging. She says if the Board would like they could come back with a more informative response later to send to the Board.

Charles Kuether: says that he would appreciate if they did because he would hate for there to be a dispute or legality issues down the road.

The Board discusses with one another.

Public Hearing opens at 11:21 AM.

Proponents: Audio Part 3 [00:05:30]

Scott Reasoner: says he lives at 426 Central Ave. in Great Falls, MT 59401. He says that he is speaking on behalf of the Great Falls Area of Commerce today. He says that the Great Falls Area of Commerce is neither for nor against the project. However, the Great Falls Area of Commerce has concerns over the conditions of approval for this project. The Great Falls Area of Commerce says

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the conditions range from overly burdensome to loosely connected to the review. The Great Falls Area of Commerce urges the county to strive to create an environment that works with investors not against. Great Falls Area of Commerce warns the county of creating a climate that discourages future investment in our community by imposing overreaching requirements. They hope that this process will be become more simplified not just in this project’s process but for future other future projects’ processes to come as it was done in previous alike SUP projects.

**Mark Cappis:** says he lives at 332 36th Ave. NE in Great Falls, MT 59404. He says that he is a local CPA (Certified Public Accountant). He says that he spent time in Socioeconomic Development and is associated with the Great Falls Chamber of Commerce as well as the Great Falls Development Authority. 7 One topic of discussion he hears from his clients and from being apart of these different groups is the need to diversify our county’s economic base, such as adding more value-add agricultural products. He finds this project should be accepted to aid our economy.

**Brett Doney:** says Great Falls Development Authority is at 405 3rd St. NW, Ste. 203 in Great Falls, MT 59404. He says that he is here today representing Great Falls Development Authority. He says he has thirty-six years (36) of professional land-use decisions, real estate development, and economic development. He is a longtime member of the American Institute of Certified Planners (AICP), a certified senior leader of corporate real estate, and he is a certified economic development professional. He says that the Great Falls Development Authority agrees with the Findings of a Fact in general and finds that the staff did a thorough job of reviewing this application. However, they do not agree that the record of SUP supports the requirement for a landscape plan or other related requirements for this project. They believe a local distillery could have a positive impact on tourism in Cascade County. They disagree with the Findings of a Fact with entrepreneurship, the first sentence of the Staff Report in §10.7. They do not find this project more objectionable than what is allowed by right in this Agricultural District, especially regarding the large buffers proposed for this project. They have concerns over the proposed conditions of approval: conditions nine (9), eleven (11), twelve (12), and fourteen (14). They find that this will set a negative standard for all future SUP decisions in the county for those conditions that are unnecessary and overreached for small and benign projects, such as this one. He says the Findings of a Facts show that the cumulative impact of both Big Sky Cheese and Silver Falls Distillery is small. He says, “All applications must be treated fairly, and the same standards must apply. It is not a popularity contest. You [The county and its citizens] are setting a standard for all future proposals of a similar scale, a similar amount of water use, a similar amount of stormwater, a similar amount of land that would be disturbed.” He goes on to say, “We [Great Falls Development Authority] are very concerned about the economy of Cascade County. We feel that the county is under tremendous threat from the world global markets on agriculture.” He says that net farm income in Montana has significantly decreased by seventy-two percent (72%). He says the unemployment rate is high in Cascade County, and that people want good-paying jobs with benefits. He says the medium percent income for the average household in Cascade County is nineteen percent (19%) less than the national average. He says the Great Falls Development Authority finds that manufacturing, particularly in-state value-added agricultural manufacturing, is one of the solutions to help solve our economic crisis. He says manufacturing jobs typically nowadays are higher-wage jobs with benefits.

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7 “Socioeconomic Development“ is the process of both social and economic development in a society. For more information please see https://dictionary.cambridge.org/us/dictionary/.
**Bill Austin:** says that he appreciates all these statistics. He says if he is understanding Mr. Doney correctly. The Great Falls Development Authority finds the Zoning Board of Adjustment too strict on their requirements.

**Brett Doney:** replies yes.

**Johnny Ray Davis:** says that he lives at 729 29th Ave. NE in Great Falls, MT 59404. He says that he is very appreciative of the Board and that the Board is designed to aid the county’s community. He says that he has heard the chatter of those around him today discussing immigration, and the potential impacts of this SUP may cause in our community. He says he finds that Silver Falls Distillery will create one more job for our community. He says previously, at the Big Sky Cheese SUP meeting, he discussed that he is in favor of the SUP for it creates one more job. He says that people are worried that immigrants are going to come to work in these facilities, that these businesses will bring lows of society and druggies, etc. He says that he sees this as an opportunity for local citizens to find a better and new job. He says that adding any job— it may be one (1) or more— to our community will help the whole community, the future of Cascade County, the future of tourism in Cascade County, and our children’s future. He then thanks everyone for raising questions in concern for our community. He says that he finds Madison Food Park to be community-oriented as they wish to make Cascade County a better place. He says as an example that at Great Falls Chambers of Commerce banquet, Madison Food Park provided our community with one more scholarship to give to our children.

**Opponents:** Audio Part 3 [00:22:23]

**Charlotte Mehmke:** says that she lives at 8244 US Hwy 89 in Great Falls, MT 59405. She says that she borders the project's land.

*Bill Austin and Michele Levine ask if she could repeat her name and speak into the microphone a bit more.*

**Charlotte Mehmke:** says that she lives at 8244 US Hwy 89 in Great Falls, MT 59405.

*Bill Austin and Charles Kuether ask if she could speak into the microphone a bit more.*

**Charlotte Mehmke:** says that she lives at 8244 US Hwy 89 in Great Falls, MT 59405. She says she borders the project's land. She says that she owns one fourth (1/4 or 25%) of the land and owns all the lands towards the East of the project’s property with her sister. She asks if the jobs for this facility will be jobs that have unions. She then asks if they are full-time or part-time jobs. She asks if a subdivision eighteen (18) homes will be built. She asks if people will be living in this subdivision.

**Bill Austin:** replies that those are employees.

**Charlotte Mehmke:** says that Joe Murphy stated there is a subdivision. She asks if that means that people will be living there.

**Charles Kuether:** says that it is his understanding that no one will be living there, and that there will be eighteen (18) employees.

**Charlotte Mehmke:** asks if they will be housed there.

**Charles Kuether:** says no.

**Charlotte Mehmke:** says it is not a mile away from her house or her buildings. She would like the applicant to prove that the project is a mile from any buildings or residence.
Bill Austin: asks if she could repeat her statement as she could not hear.

Charlotte Mehmke: says it is not a mile away from her house or her buildings. She would like the applicant to prove that the project is a mile from any buildings or residence. She is overall concerned about the distance and if they are housing people on the project’s site.

Bill Austin: says that nowhere on the application does it state that there will be housing or any type of dwelling place located in the vicinity of the property.

Charlotte Mehmke: says that Joe Murphy stated there is a subdivision recently.

Bill Austin: says that Mr. Murphy was comparing water use.

Charlotte Mehmke: asks if that is correct.

Joe Murphy: replies yes. He was using the word subdivision in concern to stormwater requirements, for there is no type of stormwater requirement for this type of facility. Therefore, they are designing it around the subdivision stormwater requirements for DEQ, Circular 8. Thus, they are not planning to build a subdivision.

Kate McMahon: says that she lives at 151 Wedgewood Dr. in Whitefish, MT 59937. She says that she is a professional land-use consultant. She has been hired by the Facebook group: Montanans For Responsible Land Use (MFRLU) to review this SUP application and to prepare public comments on their behalf. She says that she has a degree in Urban and Regional Planning. She says that she has over thirty-five (35) years of experience running planning and land use consulting business. She says that she is a certified planner. She says that the public comments show that the application is confusing and is lacking information. She says that Mr. Murphy did answer some of the questions, but she would request the ZBOA to host another meeting to address these questions raised today. She says this Facebook group is not opposed to the distillery but wishes the business to have minimal impact. She says that they have produced their Findings of a Fact through their public comments.

Kate McMahon discusses a past SUP, SUP 006-2019.

Kate McMahon: says that she disagrees with the Staff Report’s conclusion for vehicle trips per day. She would like to have the approach (driveway) permit, to show the information that she is looking for. She says that the Montana Department of Transportation does not have jurisdiction on the project’s private driveway. She would like there to be design and safety standards implemented on the applicant’s driveway to the distillery. She says the Staff Report states that the building codes will be left up to the state. She says the state has minimum design standards for things such as fire suppression. She says that the staff does not state whether the state enforces design standards for water supply, fire suppression nor does it state firefighting standards for emergency access. She says since there are no set design standards, then there is no guarantee that the road can handle that amount of traffic. She says that there is no condition that the road will be meticulously designed. She says that she would like to request that the ZBOA create a condition for road design standards as well as create findings based on their conditions and include documentation. She gives photos as evidence of what happens when road design fails. She describes what happens when a road design is good and when it is bad. She goes on to say that the Staff Report states that based on the application the surface waters should not be impacted by runoff as runoff is collected into retention ponds. She says that this analysis does not consider potential contamination due to the spray irrigation of wastewater.

The Board discusses with one another.
**Kate McMahon:** gives a soil report and the site plan from the applicant. She says the soil is classified as having limited soil for spray irrigation. She discusses some of DEQ’s rules on wastewater and buffer zone. She says that two streams are close to the designated area for spray irrigation. She says MFRLU requests that the applicant be required to submit additional information and engineering studies. She says the applicant should show where any potential third wells may be on the site plan. She says DNRC does not monitor exempt wells. She responds to the county’s staffs’ response to her public comment list in the staff’s Written Public Comment Response table. She would like some of the subdivision standards to be applied standards for this project.

**Katheryn Kotynski:** says that she lives at 3440 12th Ave. S. in Great Falls, MT 59405. She discusses an old SUP and she thanks the Board for adding many conditions. She says that the SUP should be remanded until all the Madison Food Park has been submitted. She says that Friesen has more planned to build and he says that the distillery is just a small part of the plan. She says if it is not remanded, then it should be denied.

**Carolyn Craven:** says that she lives at 101 14th Ave S, in Great Falls, MT 59405. She asks Mr. Murphy if he could please supply the data, calculations, and sources that he verbally provided at this meeting to the public, as well as the information from the other distilleries that they obtained that data from. She says that she would like written data available to the public as well for peak production for water and wastewater from these other distilleries. She says that she finds that there are still some unanswered questions as well as some added information given today. On top of that, they have many questions that are provided by the public. She reads a quote from Montana Fish, Wildlife & Parks’ letter. She says that she hopes that we can protect Montana’s wildlife and environment.

**Linda Metzger:** says that she lives at 32 Windy Ridge Ln, in Great Falls, MT 59404. She says that she disagrees with Mr. Doney. She says that she thinks that the ZBOA is not being too strict and that the ZBOA should continue doing what they are doing.

**Nate Kluz:** says that he lives at 597 Armington Rd. in Belt, MT 59412. He makes a joke. He says that he is concerned about the traffic for this project as well as Madison Food Park’s projects.

*Nate Kluz starts to discuss the SUP 2017-008 Application.*

**Charles Kuether:** says that we are not here today to discuss that SUP.

**Nate Kluz:** says that he is concerned that there may be a high amount of traffic on the road and a higher chance of having car accidents. He goes on to discuss how there is no call-out in the Zoning Regulations for a tasting room. He says that the project should be in one of the agri-tech parks instead. He says that we need a better way of dealing with these SUPs and that the county should look forward to having more long meetings in the future.

**Public Hearing closes at 12:13 PM**

**Break Begins at 12:14 PM**

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8 SUP 2017-008 is an application that was submitted in 2017 for a food processing plant. In 2018, the applicant, Madison Food Park, has stated that they have been in the process of being resubmitting the application with amendments. There have been no further updates on this project since then. For more information about this project please visit [http://www.cascadeountymt.gov/departments/public-works/planning/project1](http://www.cascadeountymt.gov/departments/public-works/planning/project1).
The Board discusses with one another during the break privately. The public and the county tell the Board that they are unable to have a private discussion with one another in a group of three (3) or more. The Board explains that they were only discussing how to proceed forward in the meeting in a manner that would allow the public to still be involved in the process, despite the public hearing section of this meeting being now closed. The Board explains that they shall discuss during the Board discussions the Summary and Analysis of Public Comment by the county staff.

Board Discussion & Action: Audio Part 4 [00:00:00]

Michele Levine: explains what the Summary and Analysis of Public Comment by the county staff is and how it should help the Board members. She says that she would like the public and the applicant to help address whether these concerns are within the Board’s authority. She says it is not enough to just bring these concerns to the Board. She says everyone must help by supplying a solution and tying that solution back to legal authority or law. She says that the Board would like this effort to be made by the public and the applicant within the next two (2) weeks. Afterward, the Board would like the county staff to take that information, further digest that information, and then put it into a spreadsheet with two (2) weeks. One (1) month from this meeting they would like to have another meeting and go through each comment and solution to see if it is relevant to the project, within their authority, and is reasonable. If the solution and the problem are not within the Zoning Board of Adjustment’s authority, one will need to take that problem and solution to the correct government entity. They understand that some people find that these conditions are too burdensome. Nevertheless, they have a public obligation to respond to public comments and concerns that can be mitigated if necessary. She reads Section 10.9 of the Cascade County Zoning Regulations.

Sandor Hopkins: says that it sounds reasonable if they have enough time to receive public comments as well as to carefully review those public comments.

Rob Skawinski: asks for clarification from Michele Levine.

Charles Kuether: replies that they are asking people to respond and address these public concerns in the Summary and Analysis of Public Comment within two (2) weeks if it is within the Zoning Board of Adjustment’s authority. Those responses will be given to the staff. Then, the staff will review and incorporate those comments into the Summary and Analysis of Public Comment. At the next meeting, the ZBOA will go through the document, discuss the document, and decide.

Bill Austin: states that the public hearing portion of the meeting is closed. He wonders how they can ask for more comments if that section is closed.

Charles Kuether: states that they are not asking for comments on the application. They are asking for public input to help address the public comments that they have received.

Bill Austin: says that he understands. He just wants to ensure that the public understands that the public comment hearing section on the SUP is closed. However, they need to address the public comments that they have presently.

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9 A quorum for a meeting shall consist of three (3) or more members of the ZBOA. All meetings for the ZBOA shall be open to the public. For more information please the ZBOA bylaws at [http://www.cascadecountymt.gov/df/616/ZBOA_Bylaws_2016.pdf](http://www.cascadecountymt.gov/df/616/ZBOA_Bylaws_2016.pdf).
Charles Kuether: says that they have received several groups of public comments. They thought that they had all the public comments, but the written public comments keep on arriving, even right before this meeting has started. He says the Board has not had time to react to, digest, or even read some of these public comments do to the surplus amount. He says that the Board was telling each other that they are unsure of how to address those comments as they do not even know the context of these public comments. The Board wants to get the public involved, the applicant to respond to some of these public comments. So, the Board created this document to help solve this problem, to allow the public to get more involved, and to move forward.

Carey Ann Haight: states that it is her understanding that the public notices state the public comment had a cut off time. She asks if her understanding is correct.

Sandor Hopkins: says an officially cut off time was not established for the public comments.

Carey Ann Haight: understands, and states the Board can still have written public comment submitted as the Board is still deliberating and has the Board comment section closed.

Sandor Hopkins: says that these public comments are to be specific and looked at as supplementary.

Charles Kuether: says that it is his understanding that they have closed the written and oral public commenting period. Now, the Board is asking for help in digesting those public comments by putting them into this format so the Board can address them at the next meeting.

Carey Ann Haight: says that she finds if they are to end the oral and written public commenting period, then it is considered to end all input including all the supplementary public comment.

Michele Levine: disagrees. She says that she is asking to extend written public comments for an additional two (2) weeks. These written public comments shall only be responses to the public’s concerns, be about mitigation measures that the Board can adopt, and that is within the Board’s authority.

Rob Skawinski: proposes to close the public comment period for the Board to have an abundant amount of public comment already. He says that the public always gives thanks to the Board for their time when giving their public comments, but the public does not give the Board time to digest every comment. He says that he is keen on the idea of going through each comment as well as asking legal for information. He says that overall, they should close the public comment period, and then allow staff to go through all the public comments and respond to them. The staff will put it into the desired format and address whether what mitigation measures can be taken and if it is under the Board’s authority or someone else’s authority.

Michele Levine: says that her thought is that the public can provide their concerns as well as their solutions. She says that she would like the burden reviewing and resolving all the public comments to be shared with the public, the applicant, as well as staff. She says that one could also argue that the staff has already set the existing mitigation measures that exist in the staff’s Findings of a Fact and Staff Report. She says that the rest of the columns in the Summary and Analysis of Public Comments needs to be filled out. Likewise, the table needs to be updated to include all the most recent public comments that were submitted.

Carey Ann Haight: says if the Board follows through with Mr. Skawinski’s proposal. The Board still would have the option of asking the applicant for more information if needed.
Sandor Hopkins: says that staff can produce different suggestions for mitigation. Nevertheless, it will always be the Board’s decision of what is applicable, what should be adopted, and what should not be.

Bill Austin: says that the Board understands.

The Board discusses with one another.

Michele Levine: states that some citizens would like to make a public comment right now. She would like to allow them to speak.

Charles Kuether: says that he is also in favor of hearing this public comment.

Bill Austin: states that the public hearing has been closed. He says that unfortunately, the Board must maintain its principles and procedures. He apologies to the public.

Carey Ann Haight: says if the Board makes any motion, the Board may allow the public to comment on that motion made without breaking their set standards and procedures.

Charles Kuether: says he would like to motion to close public comment at this point. The Board shall receive no additional oral or written public comment for the SUP 016-2019. With that being said, the public and the applicant may submit in writing to Cascade County Planning staff on the topic of how to help mitigate potential problems and concerns raised by the public in their public comments. The public, as well as the applicant, shall have two (2) weeks to submit this additional information. After those two (2) weeks, the Cascade County Planning staff shall have two (2) weeks (depending on the availability of the Board members) to piece together the Summary and Analysis of Public Comments. The Board and the public shall reconvene after this period and deliberate the Summary and Analysis of Public Comments as well as conclude.

Michele Levine: says if she understands Carey Ann Haight correctly, they cannot extend the public comment period and have it closed.

Carey Ann Haight: says yes.

Michele Levine: amends Charles Kuether’s motion to continue public comment for two (2) more weeks, but only with regards to allowing the public to give input on the topic of how to help mitigate potential problems and concerns raised by the public in their public comments.

Charles Kuether: adds to the amendment to say that the public comment shall have an emphasis on finding solutions and not finding additional problems.

Michele Levine: moves to amend the motion to extend public comment for two (2) more weeks to receive solutions for mitigation measures with the Board’s authority.

Charles Kuether: seconds the amended motion.

Bill Austin: asks Mr. Skawinski’s opinion on the motion.

Rob Skawinski: says he is not fond of the motion. He says that it will create a complicated situation that will be difficult to deal with and discuss as everyone has different opinions of what the solution should be. He says they will receive a surplus of proposals that will have to go through hours of review, and it will extend this SUP process for another two (2) or more months.

Charles Kuether: says he sympathized with Mr. Skawinski. However, due to the nature of the proposal, he finds that this is the process that they must take.
Carey Ann Haight: asks for clarification on the final date for public responses and whether it will be February 27th, 2020.

Michele Levine: says yes.

Bill Austin: asks if that is two (2) weeks from now.

Michele Levine: says yes.

Rob Skawinski: says there is a list of fifteen (15) conditions of approval. He finds that these presently address the publics' concerns. Additionally, the applicant’s engineer agreed that they do not oppose any of those conditions of approval. One can conclude that they will not challenge these conditions than in a court of law, in the future. If this other choice of further extending the SUP process is what the rest of the Board desires, then he will find it interesting to see what the Board produces in addition to the present list of fifteen (15) conditions of approval.

Charles Kuether: says that he is unaware of the future beholds. Nevertheless, he says that they must address the public’s comments in an organized and effective manner to have more complete Findings of a Fact as well as have a better set of conditions of approval.

Bill Austin: asks if that is two (2) weeks from now.

Rob Skawinski: says either way they are to end up in litigation.

Charles Kuether: says the Board does not have any control over that situation if it happens.

Rob Skawinski: says they are postponing making a conclusive decision.

Michele Levine: disagrees.

Charles Kuether: says he does not find they are postponing making a conclusive decision. He finds that they are trying to do this process in an orderly fashion to have a good finish product.

Bill Austin: asks what date that the Board members would like to set to start this process.

Charles Kuether: says the February 27th, 2020, seems like a good date to end the public responses.

Bill Austin: asks for the day in February that they plan to end the public responses.

Charles Kuether: replies yes.

Carey Ann Haight: says she stated that day to establish clarification on the motion.

Charles Kuether: says that date seems correct.

Bill Austin: says on February 27th, 2020, they will reconvene.

Charles Kuether: says that is incorrect. He explains that is the day the public hearing portion will end once more. The Board will reconvene in four (4) weeks from now.

Bill Austin: asks if staff can receive new comments.

Charles Kuether: says yes, but only for two (2) weeks.

Bill Austin: says he agrees with Mr. Skawinski that they will be going in circles.

Charles Kuether: says that he hopes that will not happen.
**Bill Austin:** says okay. Nonetheless, the Board has the Zoning Regulations and the bylaws that they must follow. They will have to follow what is written or else they will be in a continuous cycle. He goes on to ask if on February 27th, 2020 if the public can still make comments on that day.

**Michele Levine:** says they could take public comment on the motion that has been made.

**Bill Austin:** asks if they are reopening public comment until February 27th, 2020. He asks if that is the motion.

**Michele Levine:** says that is correct.

**Charles Keuther:** says that there are one motion and one second. However, there is no approval on it.

**Bill Austin:** asks if there needs to be any further discussion.

**Charles Kuether:** says that there is no further discussion at this point.

**Bill Austin:** says he will call the vote.

**Sandor Hopkins:** says repeating the motion for the record would be appreciated and bring clarity.

*The Board discusses with one another.*

**Michele Levine:** states the motion.

**Charles Kuether:** seconds the motion.

*The Chair calls for a vote of who is in favor. Then, The Board realizes that they forgot to open the public comment on the motion. The Chair opens the public hearing on the motion.*

**Rob Skawinski:** says that the Chair has not asked for opponents from the Board members yet.

**Carey Ann Haight:** says that the Chair had accidentally called for the vote before the public hearing on the vote began.

**Bill Austin:** explains he accidentally got ahead of himself.

**Rob Skawinski:** understands.

*Public Hearing opens at 12:50 PM: Audio Part 4 [00:24:45]*

**Brett Doney:** says that prospecting projects and businesses cease to develop due to ongoing litigation issues and processes. He says that the Board must ensure that they are following proper notice. He says if the Board states that the public comments are closed then they should not be receiving and reviewing public notices that came after the due date. He goes on to say that they must give the public a proper amount of time to respond appropriately as lawsuits will be filed. He says that lawsuits will be filed for the Board not following the proper procedures. Moreover, he wonders if the county must give public notice that the public comment period shall be extended.

**Tammie Lynn Smith:** says that she lives at 397 Highwood Rd. in Great Falls, MT 59405. She asks for clarification if they can comment on the written and oral public comments received to the time that the hearing has started and that have been stated at this meeting. She asks if they are taking recent comments that have already been expressed. She says that the motion does not read the way that the Board has intended. She asks if the motion could be clarified as she finds that the Board is asking for new public comments that are not about comments that have already been discussed.
Bill Austin: asks if the audio recording can be rewound to listen to the motion.

_The recorder gestures that she is unaware if the recording can be rewound without stopping the present recording._

Sandor Hopkins: says the Vice-Chair stated the motion well last time.

Michele Levine: asks if she may amend the motion after they have heard some more public comments on the present motion.

Kate McMahon: asks if new information is submitted by the applicant will the public hearing be reopened to the public to comment. She asks if the Board will state that they are not considering that information or commentary.

Rob Skawinski: says he is asking for people to thank the Board for their time by respectfully giving them time to do the work they need to do.

Kate McMahon: says she understands. She says that she is not planning to submit new information. Rather, she is concerned that the staff will submit new information. She asks who has the authority and if something is brought up that there be citation along with documentation of where the information is coming from. She says the burden should not be on the public to decipher, but the staff and the applicant to decide.

_The Board discusses with one another._

Public Hearing closes at 12:59 PM.

Board Discussion & Action: Audio Part 4 [00:32:40]

Michele Levine: says that she withdraws the prior motion. She makes a new motion to extend written comments on the existing things within the record, which includes the Staff Report, application, and public comment made through February 13, 2020. The Board shall receive written comments with an emphasis on mitigation measures with the ZBOA’s authority. These public comments shall be received by February 27th, 2020. The purpose of this motion is not to receive new public commentary on new items or subjects.

Charles Kuether: says that this motion shall include not only the written public comments that have been received but, as well as the oral commentary given today.

Michele Levine: says that she agrees.

Charles Kuether: seconds the new motion.

_The Board discusses with one another._

Public Hearing opens at 01:01 PM: Audio Part 4 [00:34:22]

Brett Doney: says that he finds that they are creating a legal quagmire that will delay the project indefinitely. He does not find that they can dictate what the public can and cannot state about a project by limiting the scope. He says they either have a public comment or they do not have public comment. He says that presently they are in a contradictory situation as they have stated that the public comment hearing has been closed, but they are still receiving public comments. He says they need to either act on the proposed application or table it to act on it at another meeting. He urges the Board not to delay the project as the opposition to the project desires.
Joe Murphy: asks where the idea originated to extend the public comment period. From what he has gathered, there are particular associates in the audience that have requested this extension. He asks if this assumption is true or if this is something that the Board has concluded on their own.

**Public Hearing closes at 01:03 PM.**

**Board Discussion & Action:** *Audio Part 4 [00:36:25]*

Michele Levine: says it was her idea, not the public. She says that in concern to Mr. Doney’s comment that it will create a legal quagmire, she withdraws the motion. She makes a new motion that staff shall review the current and existing public oral and written comments then decide on mitigation measures for the Board to consider that are responsive to the comment, to the application, and that is within the Board’s authority.

Bill Austin: asks if the county staff are okay with that motion.

Sandor Hopkins: says that it is awkward.

Carey Ann Haight: says that she understands that we are closing the public hearing and directing County Planning staff to assemble a supplemental Staff Report.

Sandor Hopkins: agrees.

Carey Ann Haight: says this Staff Report shall incorporate the public comments received through the closed of the hearing today and then provide that supplemental Staff Report to the Board. The Board shall review this document when the Board can reconvene as a quorum.

Michele Levine: says that is correct. The staff shall fill out all the columns in the Summary and Analysis of Public Comments.

Sandor Hopkins: says as the Board wishes.

Michele Levine: says they can see how long it takes. Then, they can see when everyone is available.

Rob Skawinski: says the staff has seven (7) days from now.

*The some of Board members laugh at Mr. Skawinski’s response.*

Sandor Hopkins: asks if that is seven (7) working days or calendar days.

Rob Skawinski: says calendar days as they already have most of the table completed. He says time is of the essence. He asks when the Summary and Analysis of Public Comments is completed, will there be public comment on the Summary and Analysis of Public Comments.

Carey Ann Haight: says that she does not find that to be additional public comments need to be made. Nevertheless, it is up to the Board to decide.

Bill Austin: says at some point the Board needs to make the best and informed decision. He asks if that is correct.

Carey Ann Haight: says that is correct. She is unaware if this is something that the Board has ever done before. She says that she respectfully disagrees with the Chair as they tend more protracted process with these larger projects.

Bill Austin: understands. He says that he would like an estimated timeline.

Sandor Hopkins: asks for clarification if the dates for the timeline are for the estimated review or when the next meeting shall be.
The Chair states to public citizens that the public hearing on this motion is closed presently. The Board discusses with one another and with the staff. The Chair states that the meeting will be over shortly.

Bill Austin: says he understands there a lot of public comments as he has spent many hours reading them all.

Sandor Hopkins: says okay. He says that seven (7) days is ambitious and that he has plans outside of work. He says that he can have it finished by February 24th, 2020. He says that Cascade County Planners are heading out of town to the Association of Regional Floodplain Managers Conference the week of March ninth (9th). They will be unavailable during that week.

Bill Austin: asks for him to repeat the pending date.

Sandor Hopkins: says the week of the 24th of February.

Bill Austin: says that he understands. He asks if the Board is fine with this solution.

Rob Skawinski: asks for clarification. He asks if this spreadsheet will have a summary of the public comments, and analysis of the public comments, whether it applies or not, and whether it is under the Board’s authority. If this SUP is challenged in a court of law, the County, as well as the Board, will have this chart to use as the Findings of a Fact.

Michele Levine: says yes for any condition that they impose they must address how they arrived at that conclusion as well as why it is necessary. They must lay down the Findings of a Fact, the conclusions of the law, and their thought process. They may find that there are some concerns that they may choose to reject and if that occurs, they must explain why because the explanation is important. Without proper and sufficient facts, they can run into legal trouble. The Board must be deliberate in its analyses both from a conflict resolution standpoint and mitigation and legal standpoint. She asks if that addresses Mr. Skawinski’s question.

Rob Skawinski: says yes. With that being said by the Vice-Chair, the Board must also go through this chart and not leave this burden solely on staff.

Michele Levine: agrees.

Charles Kuether: says that the Vice-Chair has made a motion. He asks if Mr. Skawinski would like to second the motion.

Rob Skawinski: asks for the motion to be repeated.

Michele Levine: says that she is unsure if the Board needs a motion to direct the staff.

Carey Ann Haight: agrees and says that the Board must decide how to move forward at this time.

Charles Keuther: says if he understands what the Chief Civil Attorney is stating then they do not need a motion presently. The Board can adjourn for the day.

Carey Ann Haight: says no. She says the Board must decide how to move forward at this time with an action of some sort.

Charles Keuther: moves to close the public comment and table the SUP 016-2019, Silver Falls Distillery at this time, until the next meeting. He also moves to adjourn.

Michele Levine: seconds the motion to table, close the public comment period, and the motion to adjourn.

Bill Austin: asks for clarification.
**Michele Levine:** clarifies.

**Charles Keuther:** clarifies.

**Bill Austin:** asks if the staff will set the next meeting date.

**Michele Levine:** discusses with the County Civil Attorneys if they need public comment on this motion.

**Carey Ann Haight:** says that they can only act on this item.

**Charles Kuether:** says he is getting ahead of himself. He moves to only close the public comment and table the SUP 016-2019, Silver Falls Distillery at this time, until the next meeting.

**Michele Levine:** seconds the motion to table and to close the public comment period.

*All in Favor, Motion carries 4-0.*

6. **PUBLIC COMMENTS REGARDING MATTERS WITHIN THE BOARD’S JURISDICTION:** [Audio Part 4][00:49:26]: none

   *The Board discusses with one another. Charles Keuther explains to the public what this time is.*

7. **BOARD MATTERS:** None.

8. **Adjournment:** 01:18 PM: [Audio Part 4][00:50:47]

   **Charles Kuether:** moves to adjourn.

   **Michele Levine:** seconds the motion to adjourn.

   *All in Favor, Motion carries 4-0.*