

**CASCADE COUNTY  
ZONING BOARD OF ADJUSTMENT**

**Thursday, September 16, 2021**

**9:00 AM**

**Room 105 Courthouse Annex, Cascade County Commissioners Chambers  
& Via Zoom (an online platform, see [www.cascadecountymt.gov](http://www.cascadecountymt.gov) for more information)**

STAFF REPORT

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**ITEM:** Extension Request for SUP #006-2019

**INITIATED BY:** Big Sky Cheese, LLC

**PRESENTED BY:** Charity N. Yonker, Planning Director

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**General Information:**

On August 28, 2019, the Cascade County Zoning Board of Adjustment (ZBOA) conditionally approved a *Special Use Permit Application* (SUP #006-2019) from Big Sky Cheese, LLC to allow a Value-Added Agricultural Commodity Processing Facility: Cheese Processing Plant, on Parcel #5348300 having Geocode 02-3017-34-4-02-01-0000 subject to seventeen (17) conditions as outlined in the *Notice of Conditional Approval* dated August 28, 2019, and again in the *Reissued Notice of Conditional Approval*<sup>1</sup> dated December 10, 2020.

The Cascade County Zoning Regulations for which SUP #006-2019 was permitted under provides in Section 10.4<sup>2</sup>:

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for one particular use and shall expire one year after the date of the approval, if construction or the use has not started. The Zoning Administrator may grant a one time only six (6) month extension on the Zoning Board of Adjustment approval. The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

The Applicant is waiving the six (6) month administrative extension request that can be granted by the Zoning Administrator and, instead, makes this request directly to the ZBOA for a twenty-

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<sup>1</sup> A *Reissued Notice of Conditional Approval* was provided after the conclusion of litigation in Cause No. BDV-19-0813.

<sup>2</sup> Cascade County Zoning Regulations version adopted by Resolution #18-54 on June 26, 2018.

four (24) month extension resulting from permitting delays for the project and travel restrictions due to the pandemic.

**Recommendation:**

The Planning Department recommends the Board grant the Applicant's extension as requested and set the deadline to satisfy the necessary conditions of approval as set forth in the *Reissued Notice of Conditional Approval* as December 10, 2023.

**Motions for the Board's Consideration:**

A. I move the Board **approve** the extension request for SUP #006-2019 as requested by the Applicant for an additional twenty-four (24) months, setting the new deadline to satisfy the conditions of approval set forth in the *Reissued Notice of Conditional Approval* as December 10, 2023.

OR

B. I move the Board **deny** the Applicant's requested extension for SUP #006-019.

OR

C. I move the Board **deny** the Applicant's requested 24-month extension for SUP #006-2019, but alternatively move to **approve** an extension of [insert number of months] to satisfy the conditions of approval as set forth in the *Reissued Notice of Conditional Approval*.

Attachments:

Extension Request  
Reissued Notice of Conditional Approval  
Notice of Conditional Approval  
Original Staff Report  
Original Application

c: Edward Friesen, Big Sky Cheese, LLC  
Joe Murphy, Big Sky Civil & Environmental, Inc.