

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, June 27, 2019
5:00 p.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #006-2019

Subject Property Information

Name of Applicant & Owner:	Big Sky Cheese, LLC. c/o CHJW 114 3 rd Street S. Great Falls, MT 59401
Legal Description:	S34 T20N R05E, W ½ E ½, in SE ¼ SE ¼, in E ½ NW ¼, Less Certificate of Survey 4803, Mk F
Geo-Code(s):	02-3017-34-4-02-01-0000
Parcel Number(s):	0005348300
Existing Zoning:	Agricultural (A)
Requested Action:	Approval of a Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant
Surrounding Land Uses / Zoning:	North: Agricultural / A South: Agricultural / A East: Agricultural / A West: Agricultural / A
Current Land Use:	Agricultural
Applicable Regulations:	Sections 10 and 7.2.4(27) Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application #006-2019 from Big Sky Cheese, LLC, to allow a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant on

property owned by Madison Food Park, LLC, in Section 34 of Township 20N, Range 05E in Cascade County, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 7.2.4(27) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of 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.

Findings of Fact:

1. The property is in the Agricultural (A) Zoning District. The proposed use is allowed in the Agriculture District pursuant to Section 7.2.4(27) of the Cascade County Zoning Regulations. "*Agricultural District...Uses Permitted Upon Issuance of a Special Use Permit... Value Added Agricultural Commodity Processing Facility.*"
2. Madison Food Park, LLC, (hereinafter, Madison Food Park) is the legal owner of the property.

3. The property is not known to be in violation of any Cascade County, State, or Federal regulations or laws and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on June 16, 2019 and June 23, 2019. Legal Notice was sent to adjacent property owners on June 14, 2019. Staff have received seven public comments with one in support and six opposed. Interested agencies were solicited for comment on May 1, 2019. As of publishing this report, one interested agency response has been received with no objection.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the facility will be from a new approach off US Highway 89 to the north of the property.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings, and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: As shown on the attached exhibits, the property is adjacent to US Hwy 89 R/W and is located between five and eight miles east/southeast of the City of Great Falls

corporate limits, and traffic to/from the site will be via US 89 approximately 3.5 miles east of the Stockett Rd intersection.

The average daily traffic (ADT) near the site as measured in 2017 is 4342 vehicles per day. This count was measured on US Hwy 89, east of the Stockett Rd intersection.

The traffic volume drops slightly to 4118 (2017 ADT) just west of Belt. The dairy processing facility is estimated to generate additional traffic as follows:

- Milk, liquid whey, delivery trucks, etc.: average seven (7) vehicle trips per day**
- Staffing/employees: average eleven (10) vehicle trips per day**
- Retail customers: average thirty (35) vehicle trips per day**

The development is anticipated to generate an added 52 vehicle trips per day, a one-percent increase over the current ADT.

Peak daily traffic impacts are expected to occur just prior to and after work shifts, generating approximately ten (10) additional vehicle trips between 6:30 and 7:00 a.m. and again between 4:00 and 5:00 p.m. The majority of vehicles will likely be entering from the west and exiting to the west.

The Montana Department of Transportation will require an approach permit to connect the access roads to Hwy 89 and may require a traffic impact study (TIS) for the purpose of identifying any/all requirements for mitigating traffic impacts, including dedicated turn lanes at the proposed project approach, or the use of other mitigating measures as may be required by the review authority (Montana Department of Transportation). The TIS will be completed by a Montana-licensed professional engineer with the appropriate qualifications and experience.

If any improvements to Hwy 89 are required as a result of the TIS (turning lanes, signalization, etc.), MFP will be responsible for the cost of such improvements.

The Cascade County Zoning Regulations permit a wide range of uses in the Agricultural Zoning District, including many that generate significant amounts of traffic such as campgrounds and recreational vehicle parks, commercial dairies, power plants, and community centers. Additionally, an even wider variety of land uses which generate

significant levels of traffic are allowed via a special use permit, including quarries, veterinary clinics, mobile home parks, equipment rental and sales facilities, hospitals, and many others. Therefore, the Zoning Regulations anticipate and accommodate land uses generating traffic.

The MFP facility will create an additional amount of traffic that can easily be handled by Hwy 89 without affecting its level of service. Turning movements in and out of the facility onto Hwy 89 may require some improvements to Hwy 89 consistent with development of this nature. MFP is prepared to make such improvements as may be required by the Montana Department of Transportation. The amount of traffic generated by the MFP is consistent with both permitted land uses and those allowed and anticipated by the zoning regulations and will not have a material, negative effect on traffic conditions.

Staff: The project is not expected to materially endanger public health and safety with traffic conditions in the vicinity. Marginal impacts to traffic on US Highway 89 are anticipated. Sight lines appear to be unobstructed from this proposed use. A driveway approach application and permit will be obtained from the Montana Department of Transportation (MDT). Staff recommends that an approved Driveway Approach from MDT be a condition of the permit. MDT must review and approve any plans for the construction of the approaches onto US Highway 89 that will be used to access the site.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: The dairy processing facility will be served by onsite water and wastewater facilities. Wastewater treatment will be completed onsite using Montana DEQ-approved wastewater treatment system(s). Commonly practiced treatment technologies will be used for managing both domestic and process waste streams, and beneficial reuse of treated effluent will be performed in a manner that is compliant with DEQ and local government regulations. The overall volume of process wastewater generated from dairy operations is estimated at approximately 13,000 gallons per day (gpd). With the 5 day/week operation, this will result in approximately 339,000 gallons of process wastewater each year.

The process wastewater will be pretreated using nutrient reduction/removal technologies, then seasonally stored in treatment/holding cells, followed by beneficial reuse in the form of land application of treated effluent on approximately 10-15 acres of cropland, either onsite or on adjacent farmland.

MFP may employ a technology called acidification to treat process wastewater before seasonal storage and beneficial reuse via land application / irrigation. Acidification is a robust, automated process commonly at dairy processing facilities and primarily consists of the following:

- Equalization***
- pH adjustment***
- Dissolved Air Floatation***
- Sedimentation***
- Solids dewatering (as needed)***

The acidification process equipment, if deemed necessary, will be housed inside the processing facility before exiting to the seasonal storage ponds. All liquid whey will be stored onsite until it can be hauled away and used as feed by area ranchers. The total liquid whey production is estimated at approximately 9,720 gpd.

Domestic wastewater generation is expected to be the equivalent of approximately a single residence, or less than 300 gpd. Domestic wastewater will be treated and disposed via a conventional septic tank and drainfield, all in strict compliance with DEQ and local standards and regulations.

Water for the dairy operations, fire flows and domestic usage will be supplied to the dairy via onsite wells, a series of transmission mains and storage tanks.

The water and wastewater systems for the site must be reviewed and approved by the Montana DEQ. Fire protection will be provided via onsite storage tanks and booster pumps.

Natural gas service to the property will be provided via Energy West and electrical service will be provided by NorthWestern Energy. Telecommunications will likely be provided by Charter or CenturyLink through new service lines to the proposed development. The MFP principals are also considering the use of wind turbines and solar farms for the generation of supplemental electrical power and are

also considering a system for the possible capture and reuse of methane gas.

Staff: Provision of services for the site appears sufficient. Local utilities will provide electricity and telecommunications. Fire protection will be provided by Sand Coulee Volunteer Fire Department, and the applicant intends to provide on-site water storage and booster pumps to provide onsite fire protection. Sewer and water will be provided for on-site. Waste that is not disposed of on-site will need to be hauled to the landfill by Big Sky Cheese or contracted with an area waste hauler.

- c. Soil erosion, sedimentation, and stormwater run-off.

Applicant: Construction and development of the dairy processing facility will include the construction of access roads, dairy processing buildings, parking lots, wastewater treatment and disposal facilities, and related items. This construction is consistent with permitted land uses in the Agricultural Zoning District. In the short-term, during construction, there will be an increased possibility of soil erosion and stormwater run-off consistent with typical construction activities. Traditional erosion and sediment control best management practices (BMPs) will be utilized during construction which will include but are not limited to silt fences, straw waddles, and storm water detention and retention ponds.

As the site disturbance will be over 1 acre, a DEQ “General Permit for Storm Water Discharges Associated with Construction Activity” permit will be required and will address and mitigate soil erosion and sedimentation during construction. This permitting process will involve the submission of a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to DEQ. Additionally, the SWPPP will need to be updated and maintained throughout the course of the project. Upon completion of work and after final site stabilization has been completed, a Notice of Termination (NOT) will be submitted to DEQ, at which time the permit will officially terminated.

BMP’s suggested by the DEQ will be utilized throughout construction to maintain water quality and minimize soil erosion. Following construction, stormwater runoff will be collected within onsite detention and retention/treatment basins and discharged at predevelopment rates in strict accordance with DEQ Circular 8.

Soils at the proposed dairy building are generally described by NRCS as Lawther-Gerber Complex (8%-15% slopes) and Gerber-Lawther Silty Clays (4%-8% slopes). These soils predominantly consist of silty clays and silty clay loams and they are defined as “well drained.” The soils are further defined as have no frequency of flooding and no frequency of ponding. NRCS indicates these soil types have a “capacity of the most limiting layer to transmit water to transmit water” as moderately low to moderately high at 0.06-0.20 inch/hour.

The existing topography is generally rolling hills with moderate slopes. The north side of the property drains northerly toward the MDT R/W. Storm drainage from the north side of the property will eventually reach the Missouri River. The south side of the property drains south and west into Antelope Creek and eventually enters Sand Coulee Creek, which also discharges to the Missouri River just upstream and south of City of Great Falls.

Upon completion of construction, there are no anticipated significant impacts for erosion, sedimentation, and stormwater runoff. Impacts will be consistent with an increase in impervious surfaces; however, these impacts will be mitigated using appropriate BMPs, storm water detention, and other applicable regulatory requirements. Revegetation of disturbed areas combined with proper storm water collection and detention as required by the DEQ’s storm water permit will minimize impacts to the site. Additionally, water leaving the site will be properly treated (i.e. sediment removal) and flows will be maintained at predevelopment rates.

Staff: Based on the application materials, the applicant should not affect soil erosion and sedimentation on the site as they will be required to obtain a permit from Montana DEQ for storm water discharges associated with construction activity. After construction, storm water runoff will be contained onsite with detention basins. Compliance with Montana DEQ regulations would indicate that the project will not affect soil erosion and sedimentation.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: There are no public, community, or private water supplies on the property. There are a variety of private wells adjacent to the property primarily serving individual homes and agricultural operations. It appears that all such wells are located at least one mile from the proposed dairy processing facility. The dairy operations will require process water with estimated volumes of ~13,000 gpd, which equates to 10.4 acre-feet/year. It has been demonstrated that the underlying Madison formation can easily satisfy these volumes. The depth to the Madison formation at this location is estimated to be 400-500 feet bgs (below ground surface) and the aquifer is estimated to be 350-500 feet in thickness. A well contractor will be employed to construct a test well and provide test pumping so as to demonstrate that existing wells on adjacent properties will experience no adverse impacts.

A new public water supply will then be constructed to serve the development. Well construction and protection requirements of DEQ Circulars 1 & 3 and the Administrative Rules of Montana will be strictly adhered to so as to protect the new public water supply and groundwater within the general vicinity of the project.

Surface waters in the vicinity of the project will be protected by maintaining effective runoff collection and conveyance systems to direct stormwater to onsite detention ponds where it can be detained and treated prior to discharge. Discharge will be restricted to predevelopment rates.

All wastewater treatment and/or storage ponds will be designed such that they are safeguarded against impacts to local groundwater and surface water by utilizing adequate liners and/or best management practices to avoid leaks and spills. Additionally, all setback distances as required by the Montana DEQ will be strictly maintained between water supply wells and potential hazards so as to limit contamination potential.

Staff: Based on the application materials, surface water should not be impacted due to the runoff being collected and conveyed to on-site detention ponds. Public, community, and private water supplies and ground water should be protected as the wastewater collection and treatment lagoons have adequate liners and best management practices will be followed to avoid leaks and spills. Applicant will need to obtain any necessary water rights for groundwater from Montana DNRC.

3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Land uses in the vicinity primarily consist of large-scale agricultural operations and associated rural residential uses. The dairy processing facility will be located more than one mile from any existing dwelling or agricultural buildings. Possible conflicts are expected to be minimal, but could include additional traffic, visual changes (additional buildings, night-time lighting), and some noise. Yet, MFP's design team will utilize buffering features to help mitigate noise and visual impacts whenever possible.

The proposed development is agriculturally based and thereby complements existing uses of the surrounding properties. Additionally, the facility is proposed to be centrally located within the relatively large subject properties which will help eliminate any potential conflicts with surrounding land uses. Visual impacts can be mitigated using strategic landscape placement and by implementing exterior lighting technologies to direct lighting downward to reduce or eliminate glare and offsite lighting "pollution." Traffic has been addressed previously in this document.

Permitted land uses in the Agricultural zoning district have the potential to create similar conflicts. Agricultural operations, by their nature, tend to generate dust and odors associated with tilling, planting, harvesting, and the use of chemicals. Commercial dairies generate their own impacts from odors and have increased waste management needs. The MFP dairy processing facilities impacts will be similar to those land uses already permitted by the zoning district and can be mitigated using readily available measures.

Staff: No impacts to adjacent owners or conflicts are anticipated. The proposed use is primarily agricultural, with some processes considered industrial. The agricultural zoning district allows for the proposed type of use with an approved Special Use Permit granted through the Zoning

Board of Adjustment. The proposed land use does not require a buffer. Applicant is voluntarily locating the plant in excess of one (1) mile from existing residences. The subject location is surrounded by predominately agriculturally-used land and Hill Top Colony lies to the southwest.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: This consideration is an alternative to the previous one and need not be met. This consideration exists to allow approval of a special use permit in the rare instance that a proposed land use is so important that its impacts should be accommodated. MFP is not making such a claim with respect to its dairy processing facility.

All development allowed by the zoning district regulations, whether as a permitted use or as one requiring a special use permit, creates some level of impact. This is expected and appropriate. All potential impacts created by MFP's dairy processing facility can and will be appropriately mitigated and minimized such that there will be no appreciable impact on public health, safety, and the general welfare of the community or County. Additionally, the facility will also provide some benefits via increased tax base and the addition of jobs for area residents and will utilize milk that is produced in and around Cascade County and throughout northcentral Montana.

Staff: No impacts to the value of adjoining properties are expected from the proposed operation. Staff feels the proposed SUP should have little effect on the surrounding uses due to the existing low populated area, large agricultural parcels surrounding the proposed project, and predominately large agriculture use on these parcels. The development should not negatively affect the general welfare of the community as a whole. It is unclear if there will be impact on the value of adjoining property. It would not be expected that the value of adjoining property would be impacted. The surrounding property is zoned agricultural and will be continued to be used for agricultural purposes. The impact on the value of adjoining agricultural land will be less than if the surrounding property was used for residential purposes.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Land uses in the vicinity primarily consist of large-scale agricultural operations and associated rural residential uses. As noted on Montana Cadastral (refer Exhibit B), the surrounding area is comprised of agriculturally zoned properties with areas of animal grazing, fallow land, and wild hay. Some surrounding properties contain single-family residential dwellings.

The proposed project consists of a dairy processing plant and will include spray-irrigated agricultural ground. MFP acknowledges that the dairy processing facility itself is different than land uses in the immediate vicinity. However, the dairy processing facility is a “value-added agricultural commodity processing facility” that is permitted with a special use permit. The manufacturing, processing and storage components of the dairy processing facility are specifically contemplated by the zoning district regulations. The impacts associated with its operation have been discussed in this application along with the means to mitigate such impacts such that the facility can exist in harmony with other area land uses. While not required by the County’s zoning regulations, no buildings or operations will be located within one mile of existing residences. This one-mile buffer will help mitigate any perceived conflicts with the existing residences and maintain compatible land uses with the other surrounding properties. Large portions of the property will remain in agricultural production which is consistent with and in harmony with adjacent land uses.

Staff: No significant conflicts are anticipated. The applicant has chosen to locate in excess of one mile from existing residences. Processing of agricultural products and maintaining undeveloped land in agricultural use fits the character of surrounding development. Regional sourcing of raw dairy lends the opportunity to bolster dairy operations in the area. Staff have received no comments/concerns from adjacent landowners at this time.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Applicant: The proposed project is located within the Military Overlay District surrounding Malmstrom AF Base. The project site is located within the outer horizontal surface meaning structures are restricted in height to a maximum of 500' above the established airfield elevation which will be maintained by all proposed structures. The potential implementation of wind turbines for renewable energy generation will be coordinated with the FAA, Cascade County, and MAFB as needed.

Staff: No conflicts are anticipated. The project will conform to height restrictions.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*

Applicant: The proposed development will be agriculturally based and will use dairy products provided by area farmers and ranchers which will help boost the local agricultural economy and maintain existing ag-based businesses in the area. The proposed development will be a new addition to the agricultural industry in the area. The new value-added business will expand the potential marketplace for milk-producing entities in the state and help expand the existing dairy market while providing locally-produced dairy products for local consumption.

Staff: The proposed use constitutes an expansion of value-added agricultural business. The operation and benefits to associated agricultural operations producing milk and purchasing/using locally-produced cheese stimulates the expansion of existing businesses. Based on the proposed development, it would be expected that Big Sky Cheese would sustain and strengthen the economic well-being of Cascade County's Citizens as the development will require the expansion of existing and new business to support its operations. The applicant is bringing

about value-added business in the agricultural and manufacturing/processing industry. As this is an agricultural based business utilizing local farmers and ranchers, it would be expected that ag-based businesses in the area would be supported.

- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*

Applicant: As noted above, the proposed project will increase the County's tax base with the implementation of this project. Additionally, process water utilized within the dairy processing operations will be treated, stored and reused, beneficially to spray irrigate onsite and/or nearby crops. The wastewater treatment and spray irrigation will also ensure that local and area farmlands are maintained as part of the project. As noted previously, MFP is researching the possibility of incorporating wind turbines, solar energy, and other renewable energy alternatives to utilize sustainable resources and offset some of the energy requirements for the site.

Staff: The proposed use will diversify the county's tax base through revenue generated from providing a local supply of cheese area consumption and export out-of-county. Primary economic activity in agriculture is supported with secondary economic activity from processing heavily supported. Tertiary and quaternary economic activity in the Great Falls and Belt areas is anticipated. Dairy processing is a sustainable use of natural resources and grazing land. Proposed renewable energy use will reduce the natural resource footprint of the facility.

- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*

Applicant: The proposed business is primarily agriculturally based which complements the existing primary business of area residents and maintains compatibility with the surrounding area and County as a whole. The business will also utilize dairy products provided by area residents which will help strengthen the local economy.

Staff: The proposed use is a primary business development that is complementary to regional dairy operations. The proposal has the potential to resurrect dairy operations in the county. The use is anticipated to provide both short and long-term benefits to existing

businesses and does not duplicate existing business outfits in the county.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*

Applicant: The proposed development has the potential to help develop tourism and cultural resources within the County as the added taxes collected from the development are put into beneficial use. Although the dairy facilities located within the MFP Development may consider offering promotional/educational opportunities for the public to view specific aspects of the operations in the future, the principals have adopted a comprehensive bio-security program for the entire site and have no intention at this time of offering tours or related public viewing events. Given the facility's location and the buffer zone provided by the size of the property relative to the location of development, the dairy processing facility will have no impact on cultural resources or existing tourism opportunities.

Staff: The proposed use is not applicable to this objective beyond perpetuating the cultural heritage of industrial agriculture in the region. The facility site is over a mile from the nearest major highway, US Highway 89. The proposed retail area has the potential to increase tourism from the region and further afield.

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*

Applicant: The MFP Development project has the potential to act as an economic catalyst for both aligned and peripheral value-added agriculture business ventures and entrepreneurial start-ups to locate their business enterprises in Cascade County to take advantage of the capacity, infrastructure, and market access directly created by the MFP development. Cascade County is well known for its agricultural production and heritage. Adding facilities like MFP's dairy processing plant help encourage the continuation of this agricultural tradition by providing a nearby market for agricultural products.

Staff: The proposed use is not directly associated with entrepreneurship development; however, indirect benefits may occur from the proposed use and services obtained from local businesses and individuals.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of*

commerce, development organizations and business roundtable organizations.

Applicant: Extensive investment in infrastructure by the principals in MFP, working in collaboration with both the County and State, will provide the local business community, local government, and community development corporations with a necessary tool to promote business development across the region. In addition, the local chamber, economic development organizations, and business promotional groups will have the opportunity to promote development and additional investment by demonstrating the commitment made by MFP in developing its operations locally.

Staff: The proposed use is not directly associated with supporting a strong local business environment through development organizations; however, a business of this type will interact with existing businesses and may foster new development.

G. *Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*

Applicant: As indicated in the initial projection compiled by principals of the MFP development, when operating at peak capacity, the dairy processing facility will directly employ 5-10 fulltime employees. The projected influx of workers and their families will have a positive economic impact on the community, including existing and expanding business enterprises such as manufacturing, wholesale, retail, distribution, etc.

Staff: The proposed use is a new business and an improvement to local trade capture through the value-added processing of locally and regionally produced milk. New workers will support local business with income kept in the county.

H. *Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

Applicant: See previous responses.

Staff: The proposed use exemplifies the interdependence of agricultural communities, both locally and nationally, by utilizing raw and preprocessed agricultural and non-agricultural commodities to create a value-added product. This is a direct leveraging of local resources.

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

Applicant: The central development concept guiding the MFP project is the support and expansion of local dairy farms, stabilization of related markets and expansion of product supply chains, along with investment in agribusiness-based enterprises which directly support farmers and ranchers across the golden triangle and the state of Montana. By demonstrating its commitment to supporting the plight of Montana's most vital agricultural industries, the principals of MFP fully anticipate that both producers and an assortment of businesses which rely upon their survival and success will commit their support and resources to building on the momentum created by MFP dairy processing project. The feedstock to the plant is an Ag product.

Staff: The proposed use is a direct contribution to the growth of the agricultural economy through the utilization of fluid dairy products in the production of a value-added product that meets a market demand.

- J. *Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: The principals of MFP are committed to introducing green technology to the property in the near future, where possible and if deemed feasible. At present, MFP is in discussions with renewable energy companies and will continue to consider technologies that may be viable for the site and would complement the dairy processing facility. The design and development of the facility will reflect a commitment to incorporating alternative energy and energy efficient technology, whenever possible.

Staff: The proposed use incorporates energy efficient technology in the construction and operation of the facility encouraging conservation. Alternative energy production on-site would directly stimulate the growth of the alternative energy economy and use of locally-available renewable energy.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with natural resource development.

Objectives:

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*

Applicant: As noted above, the ongoing agricultural operations will include irrigated farmlands for the beneficial reuse of treated effluent. Additionally, the proposed buffer around the facility will maintain existing ag-related lands to help maintain compatibility with adjacent farm and grazing lands. Additionally, the availability of additional water for irrigation of crops will help entice continued agricultural use of the property as potential crop yields are increased.

Staff: The proposed use in this application constitutes a continuance of agriculture in Cascade County. A local market for agricultural commodities will be created, and reuse of waste products to support farmland will support agriculture.

- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

Applicant: The property at which the proposed MFP project will occur is currently utilized for both livestock grazing and dryland farming which will be maintained to the greatest extent possible following the development. Available land following the project development will continue to be utilized for farming activities to both preserve the existing land use as well as provide an optional location for the beneficial reuse of treated effluent via spray irrigation. No streams or existing fisheries will be impacted by the proposed project.

Staff: The proposed use will utilize a portion of the tract it sits on. Remaining portions will continue to be available as rangeland. The use will not impair forests, streams or fisheries.

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*

Applicant: As noted above, the project is agriculturally based and the developed parcel will house the proposed structures, wastewater treatment and storage system components, and farmland for the beneficial reuse of treated effluent; therefore, developing the project near an existing town was not feasible. The project does include large areas of open space and farmland which will maintain the County's existing open space setting. As noted above, the facility will be located near the center of the large property and a minimum of one mile from any existing residence which will help minimize any encroachment on surrounding properties. The development is being designed by a team of trained professionals who specialize in large-scale

developments and subdivisions as well as food processing plants of this nature.

Staff: The proposed use is located near the city of Great Falls and exurban development and thus preserves open space by locating industry near existing towns. Maintaining land as rangeland and farmland on the site preserves open space and adds to a more aesthetic design and development.

D. Assure clean air, clean water, a healthful environment and good community appearance.

Applicant: The design firms retained for the dairy processing facility have been tasked with creating aesthetically appealing design features, as well as incorporating native plant species and strategic placement of buildings to take full advantage of the natural contours that are considered central features to the property. The development plan will include design measures directly targeted at mitigating odors, noise and light pollution. The principals of MFP are committed to planning and design concepts, construction materials and landscape features to ensure that clean air, water and a healthful environment are maintained during construction as well as after the dairy processing facility is in full operation.

Staff: Aesthetic building and landscaping design elements promote good community appearance. Operations will be indoors reducing external impacts from processing dairy into cheese. Green building techniques will promote a healthy environment.

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

Applicant: While MFP will not directly support development of timber, mining or oil & gas production, renewable energy options are being considered for the property if and when deemed feasible.

Staff: The use will not support natural resource development. Renewable energy will be supported if on-site production is implemented.

F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.

Applicant: The project is not located in an area undergoing Superfund or Brownfield processes.

Staff: The site of the proposed use is not associated with Superfund or the Brownfields programs.

GOAL 3: Maintain Agricultural economy

A. *Protect the most productive soil types.*

Applicant: Refer to the attached NRCS soil report. As shown on the soil report, portions of the property acquired by MFP are considered Prime Farmland or Farmland of Statewide Importance. As noted above, a large portion of the site will, following development of the dairy processing facility, continue to be utilized for agricultural activities. Additionally, the value-added agriculture development will encourage further utilization of existing farm and rangeland within Cascade County and the surrounding area.

Staff: Marginal impacts to productive soils are anticipated as the proposed plant location is outside of prime farmland. Remainder areas will continue to be utilized for agricultural operations including areas of prime farmland.

B. *Continue to protect soils against erosion.*

Applicant: During construction activities, the site will be required to meet Montana DEQ standards for erosion protection through the general construction storm water permitting process. A storm water pollution prevention plan (SWPPP) will be prepared by properly trained and certified personnel, and temporary Best Management Practices (BMPs) will be implemented onsite to minimize erosion during the course of construction and to prevent adverse impacts to receiving waters (i.e. Missouri River). Following construction, permanent BMPs will be implemented so as to minimize erosion on slopes within the steeper portions of the property while agricultural activities will remain on other open spaces within the property which will effectively protect against erosion.

Staff: Marginal impacts to soil are anticipated. Applicant will be required to ensure compliance with Montana DEQ requirements and regulations.

C. *Protect the floodplain from non-agricultural development.*

Applicant: The proposed project is located outside of the FEMA flood map boundaries; however, it appears as though the lower portion of Antelope Coulee is included within the 100-year

floodplain at its intersection with Sand Coulee Creek (refer to attached excerpt from FIRM panel 30013C0634E). Due to the steep banks of Antelope Coulee within the vicinity of the subject property, it is not anticipated that the floodplain is extensive within the subject property. Work activities will not occur within the active streambed or within the floodplain, and the creek will be protected from non-agricultural development.

Staff: The site of the proposed use is outside of the mapped FEMA regulated floodplain. No floodplain impacts are anticipated.

- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: As noted previously, the intent of the proposed project is to develop a value-added dairy processing facility using milk generated by area producers which directly supports the development of a value-added agriculture industry.

Staff: The proposed use fully supports the development of value-added agricultural industry in the County and will utilize and encourage local and regional raw material production.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*

Applicant: While the applicant's proposed development will not directly impact the US Military's operations in Cascade County, the applicant recognizes the importance and value of the current military missions and what they mean to the County and Northcentral Montana. The applicant will take an active role in local civic duties and responsibilities, as managers and employees of the plant become acquainted with and involved in the Great Falls business community (i.e., Great Falls Chamber of Commerce, Military Affairs Committee, etc.). Additionally, the location of MFP is strategically located to not adversely impact the existing or future missions at MAFB.

Staff: The proposed development should not have any impact on the presence or mission of Malmstrom AFB in Cascade County. Malmstrom is approximately six miles away and the nearest launch facility is approximately nine miles away. The project does lie within the Height Military Overlay District restricting development that exceeds 500 feet above the height of the runway.

B. Promote the location of additional military missions in Cascade County.

Applicant: The applicant hereby pledges its support to Cascade County in promoting additional military missions in Cascade County. Also, please see response to Goal 4 Objective A above.

Staff: The applicant supports Cascade County and additional military missions. The applicant does not plan to exceed the height restriction or impede potential future runway reactivation.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

Applicant: The applicant hereby pledges its support to Cascade County in reactivating the runway at MAFB for fixed wing operations. Also, please see response to Goal 4 Objective A above. The dairy processing facility will not have any impact on the possibility of reactivating the runway. All components of the development will comply with the Military District Overlay requirements.

Staff: The applicant lends support to the County encouraging reactivation of the MAFB runway.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: The applicant hereby acknowledges there are certain building placement and height restrictions adjacent to and in the vicinity of Malmstrom Air Force Base. Such restrictions are further defined within the Joint Land Use Study. The applicant is prepared to resolve any potential conflicts so as to ensure mission-compatible development. The subject property is located within the Outer Horizontal Surface as detailed within the Joint Land Use Study and therefore vertical obstructions cannot exceed 500 feet tall from the established airfield elevation which should pose no design challenges to the dairy processing facility. Also, please see response to Goal 4 Objective A above.

Staff: No expected conflicts are anticipated as a result of this development.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. *Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*

Applicant: The proposed project will not impact the County's citizen's independent lifestyle and will not require local governmental intervention.

Staff: The proposed use will provide employment for approximately 5-10 employees and thus facilitate independence for those citizens.

- B. *Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*

Applicant: As noted previously, the principals of MFP are committed to making a significant investment in bringing green technology to the dairy processing facility. This commitment to green energy will reduce the natural impacts associated with the project and will help maintain the existing natural resources. Additionally, to the greatest extent possible, the treatment of process wastewater and reuse of effluent will allow MFP to recycle and beneficially use the water for agricultural purposes. The proposed project will be located on previously cultivated ground which will minimize the potential for impacting existing historical or archaeological sites. The Montana State Historical Society (SHPO) was contacted regarding potential cultural resources at the proposed project site and their response stated that no cultural resources were located within their files for the property. Per the SHPO response letter, "As long as there will be no new ground disturbance or alteration to structures over fifty years of age we feel that there is a low likelihood cultural properties will be impacted."

Staff: The proposed use will preserve and encourage county cultural heritage in agriculture by virtue of its agricultural character and value-added processing of agricultural commodities. Sourcing these commodities locally will increase demand for agricultural milk production. The development should not impact cultural properties.

- C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*

Applicant: The project will incorporate onsite storage and pumps to provide onsite fire prevention measures to the structures. Additionally, the onsite fire storage may be available for adjacent properties in the event of emergencies, if necessary, as a hydrant can be placed onsite for local fire department use. The fire storage which may be used for regional firefighting activities will benefit all residents and land owners in the general vicinity of the project.

Staff: The property is not located in the wildland-urban interface (WUI). The applicant plans to install on-site fire suppression. Local fire departments will be able to use this system on-site as well as for fires in the area if required.

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

Applicant: The principals of the MFP development intend to develop training and apprenticeship opportunities with Montana State University and local colleges to aid in the preparation of local residents for job opportunities offered at the MFP. These educational programs will also work to educate the community on the MFP and its operation. While the project will not directly impact the development of educational programs and facilities, recreational opportunities and spaces, and health services, it will help the County continue to develop those programs and opportunities for the County's residents through the added tax base and the additional budget available through the collection of those taxes.

Staff: The training and apprenticeship opportunities mentioned by the applicant encourages the development of educational programs at local institutes of higher learning.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

From the application information submitted, this operation would not be more objectionable to nearby properties by reason of noise, fumes, vibrations or flashing lights. This project is proposed to be contained within a structure that will house the processing operations, and staff finds this would be less disruptive than a normal agricultural operation, or other permitted principal uses in the agricultural district, such as a riding and roping arena, a Commercial dairy, or a power plant producing up to 1 megawatt. Additionally, staff finds that this project would be less

objectionable than other possible special uses, such as a quarry, major or minor utility installations, a junk yard/salvage yard, or outdoor sports and recreation/outdoor entertainment.

Motions:

The following motions are provided for the board's consideration:

Alternative 1: Move the Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant on Parcel 0005348300, Geocode 02-3017-34-4-02-01-0000 be **denied** (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board adopt the staff report and findings of fact and **approve** the Special Use Permit for a Value-added Agricultural Commodity Processing Facility: Cheese Processing Plant on Parcel 0005348300, Geocode 02-3017-34-4-02-01-0000 subject to the following conditions:

1. The applicant obtains a Driveway Approach Permit from the Montana Department of Transportation and complete a Transportation Impact Study (TIS) if required by MDT.
2. The applicant obtains necessary water rights from the Montana Department of Natural Resources and Conservation.
3. The applicant obtains approval from the City-County Health Department and Montana Department of Environmental Quality (DEQ) for a new public water supply and wastewater system.
4. The applicant obtains Montana DEQ general permit for stormwater discharges associated with construction activity. After construction, install required onsite detention basins for stormwater runoff.
5. The applicant obtains any other county, state, or federal permits required by the respective agency for the legal operation of the proposed use.
6. The applicant adheres to all relevant building code requirements established by the Department of Labor and Industry.
7. Operation hours be limited to 7:00 AM to 7:00 PM.
8. All cheese manufacturing process activities must occur inside a fully enclosed building and not be visible to the general public.
9. All setback requirements for the A District must be followed.
10. Outside storage must be fully screened to conceal work equipment or materials not stored inside.
11. No structure extends into the height overlay district.

Attachments:

- Special Use Permit Application; Location/Conformance Permit Application; Copy of Section 7.2.4 of the Cascade County Zoning Regulations; Public Comment; Interested Agency Comment.

cc: Big Sky Cheese, LLC.