



**McGarveyLaw**

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RSULLIVAN@MCGARVEYLAW.COM

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MCGARVEYLAW.COM

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406-752-5566

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345 1<sup>ST</sup> AVE EAST  
KALISPELL, MT 59901

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August 20, 2020

VIA U.S. Mail and Email

Cascade County Zoning Board of Adjustment  
121 4th Street North, Suite 2H-I  
Great Falls, MT 59401  
planningcomments@casadecountymt.gov

Re: SUP for the Big Sky Cheese, remand of condition #7

Dear Board of Adjustment,

As you may be aware, we represent Montanan's for Responsible Land Use (MRLU). MRLU filed a complaint in District Court alleging the Cascade County Commissioners incorrectly overturned the conditions which you, the Board of Adjustment, imposed in granting the SUP for the Applicant, Big Sky Cheese.

Recently, MRLU filed a Motion for Summary Judgment addressing each of the conditions that were reversed, amended, or remanded. Included in the Motion is a discussion of the remand of condition #7 currently before this Board. MRLU demonstrates that the record was clear that Applicant itself represented that the facility was to operate between 7am-7pm. Indeed, since the Application itself made this representation, these hours of operation provide the basis for calculating traffic, water use, and wastewater use. MRLU further demonstrates that because this Board's findings were based on the record, the Commissioner's remand of condition #7 was a reversible error, and MRLU is requesting that the District Court affirm the Board of Adjustment's imposition of the condition. (See attached Brief in Support of Motion for Summary Judgment pp.16-18 regarding condition #7). A district court hearing on this motion is set for October.

Please consider this letter and submission as part of the public record. In that regard, we would note that this matter is clearly of significant interest to the public and the interested public, including MRLU, should properly have an opportunity to meaningfully participate.

Thank you for your time and work on behalf of the citizens of Cascade County.

Yours sincerely,

McGarvey Law

A handwritten signature in blue ink, appearing to read "Roger Sullivan", with a stylized flourish at the end.

Roger Sullivan

cc: MRLU

Cascade County Attorney (via Susan Swimley)