

**STILLWATER COUNTY ZONING COMMISSION  
MINUTES OF MEETING**

Wednesday, July 12, 2023 at 6:30 p.m.  
West Annex Conference Room  
431 Quarry Rd, 59019

**BOARD MEMBERS PRESENT:** Rob Harper, Bob Van Oosten, Gary Enstrom

**MEMBERS OF THE PUBIC:** Marion Brown, Rich Lee Jon Chafin Justin Roberston, Desdelyona Roosta, Scott Williams, Loren Eder, John Wanalista, Derrel Grant, Nick Lofing, Charlotte Van Oosten

**STAFF:** Forrest Mandeville, Amy Stadel, Stephanie Ray

**I. CALL TO ORDER**

**a. Public Comment**

- i. No public Comment

**b. Disclosure of Conflicts of Interest and EX Parte Communications**

- i. Rob Harper disclosed that his company is in the bidding process to construct part of Beaver Creek Wind Farm so he will recuse himself from any decision making on this application.

**II. APPROVAL OF DECEMBER MINUTES**

- a. Gary motioned to approve the December meeting minutes, Bob seconded. All approved.

**III. NEW BUSINESS: Public Hearing -Conditional Use Permit / Beaver Creek Wind Farm  
IV**

**a. Zoning Commission Overview and Staff Report**

Caithness Energy, represented by Nick Lofing of Garlington, Lohn and Robinson, PLLP, has submitted a Conditional Use Permit (CUP) application to allow for a wind farm development west of Rapelje in northwest Stillwater County. The proposed project consists of 30 to 33 wind turbines located in Stillwater County generating up to 80 MW with associated battery storage. The project is the fourth of four associated LLCs, Beaver Creek Wind II, LLC, and Beaver Creek Wind III, LLC, were reviewed as part of a CUP last year. The project is located on several properties along Jones Hill Road, Eder Road, Phipps Road, and 5 Mile Road. The legal descriptions of the subject parcels are Section 9, Section 15, Section 21, Section 23, Section 35 of T 2N, R 18E, and Section 2 of T 1 N, R 18E, in Stillwater County, Montana.

**Recommended Conditions of Approval:**

Planning Staff recommends approval of the Beaver Creek Wind Conditional Use Permit pursuant to the following conditions (section references are to the Stillwater County Development Regulations unless otherwise noted):

1. Addresses shall be obtained from the Stillwater County GIS Department for each turbine developed as part of this project. (Section V.B.5.c)
2. A site plan shall be submitted that is to scale, identifying all site development, including site access, turbine locations, building locations, parking spaces, fencing, setbacks, and associated development. (Section V.B.5.d)
3. The developer shall provide the County with a list of turbines, their height, and the distance to the nearest property line. In no case shall this distance be less than one half the height of the turbine. (Section V.B.5.e)

4. An agreement for the use, reconstruction, and maintenance of any County roads involved in the project shall be negotiated and finalized with Stillwater County. (Section V.B.5.f)
5. Water rights and water use facilities shall not be modified as a result of this development. (Section V.B.5.g)
6. A Noxious Weed Management Plan shall be entered into per the requirements of the Stillwater County Weed Coordinator. (Section V.B.5.h.i)
7. Lighting, other than what is required by the Federal Aviation Administration (FAA), shall be kept downward facing to the extent possible, and shall not negatively impact adjacent property owners, and shall not be aimed at adjoining properties. (Section V.B.5.i)
8. Any use beyond what is contemplated in the application materials, including worker housing, is not a permitted use. An additional Conditional Use Permit application is required for expanded or changes in use, and permitting is subject to the review process. (Section V.B.5.1 – Expanded or Changes in Use)

**b. Comments from Applicant**

- i. Nick Lofing, representative of Caithness Energy, spoke on the project. He presented details of the project and answered questions and concerns.
  1. Bob Van Oosten questioned Road Use Agreements. Nick stated that all projects have a separate Road Use Agreements. Bob also inquired about start date and work schedule of the wind farm. Nick stated that they plan on starting construction August 1, 2023. Full construction will not be until next year.

**c. Public Comment**

- i. Written comments were received from Jeff Bollman with the Montana Department of Natural Resources and Conservation (DNRC) indicating possible concerns about blade length. DNRC is concerned that even with the required setbacks, the blades could encroach upon State Trust Land in the area. Discussion about this concern indicated that it would be unlikely that a blade would encroach on state land, but the applicant indicated they would keep the concern in mind and reach out to DNRC if warranted.

**d. Board Discussion and Recommendation**

- i. Gary motioned to approve the Beaver Creek Wind Farm IV Conditional Use application based on the Staff Report recommendations as written and outlined; Bob seconded. Rob abstained from voting.

**IV. NEW BUSINESS: Public Hearing – Conditional Use Permit / Bearded Viking Mead**

**a. Zoning Commission Overview and Staff Report**

The Bearded Viking Mead Co, LLC, has submitted a Conditional Use Permit (CUP) application to allow for a mead (honey wine) manufacturing building to be located approximately ½ mile south of Columbus off of Highway 78, just past the intersection with Highway 421 (Joliet Road). The project would consist of a 40-foot by 24-foot building. The legal description of the subject property is Parcel A-1 of COS 350105, in Section 28, T 2 S, R 20 E, in Stillwater County, Montana.

The application states the manufacturing building will be 40-feet long and 24-feet wide and that a state building permit has already been obtained. The applicant plans to manufacture mead on site and self-distribute. There may be a tasting room developed in the future, which is tentatively planned to have limited public business hours from 4:00 to 9:00 Thursday through Saturday.

**Recommended Conditions of Approval:**

Planning Staff recommends approval of the Bearded Viking Mead Co, LLC, Conditional Use Permit pursuant to the following conditions (section references are to the Stillwater County Development Regulations unless otherwise noted):

1. Prior to occupation and use of any building that will have water and approval shall be obtained from the Montana Department of Environmental Quality and the Stillwater County Environmental Health Department, as appropriate. A copy of the approval(s) shall be provided to the County Planning Department. (Section V.B.5.a)
2. The development shall be in compliance with the Stillwater County Floodplain Regulations. (Section V.B.5.b)
3. Building setbacks as required in the Development Regulations shall be adhered to. (Section V.B.5.d)
4. If required by the Montana Department of Transportation, an approach permit shall be obtained and a copy provided to the Stillwater County Planning Office. (Section V.B.5.f)
5. Not less than three parking spaces shall be provided and kept accessible for parking for the development. (Section V.B.5.h.i)
6. Lighting shall be kept downward facing to the extent possible, and shall not negatively impact adjacent property owners, and shall not be aimed at adjoining properties. (Section V.B.5.i)
7. Any use beyond what is contemplated in the application materials. An additional Conditional Use Permit application is required for expanded or changes in use, and permitting is subject to the review process. (Section V.B.5.1 – Expanded or Changes in Use)

**b. Comments from Applicant**

- i. JT Robertson of the Bearded Viking Mead Co. spoke to the development and answered several questions from the Commission. Regarding the tasting room, Mr. Robertson clarified that he can provide a small tasting room for direct sales, but that the larger tasting room that would be more like a restaurant atmosphere is a long-term plan that would require an additional CUP. An application has been submitted to DEQ, and the hope is that the DEQ approval will allow for the future expanded tasting room. There may also be events on the site from time to time, but Mr. Robertson indicated he plans to make any planned events known to the neighbors ahead of time. He also indicated he does plan to install some fencing and has been in discussion with MDT.

**c. Public Comment**

- i. Written comments were received from Rick and Peggy Ennenga, who own some adjacent property, requesting consideration of factors such as traffic, floodplain, noise and lighting, future expansion, and food trucks. They also noted their request that enforcement ensure the development adhere to the current proposal.

**d. Board Discussion and Recommendation**

- i. Bob motioned to approve the Bearded Viking Mead Conditional Use application base on the Staff Report recommendations as written and outlined; Gary seconded, with no discussion, all approved.

**V. ADJOURN**

- a. Gary motioned to adjourn the meeting at 7:21 pm, Bob seconded, all approved.