AGENDA

APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT THE MEETING

I. Call to Order.

II. Hearing of Cases, Appeals and Reports:

**SPUSE-21-000007** – A Special Use Permit application by Gozden-McDermott Cattle Company, LLC, c/o John McDermott, 203 Black Angus Lane, Butte, MT, owner, and Cushing Terrell, 13 N. 23rd Street, Billings, MT, agent to construct photovoltaic (PV) power generation facility through the installation of approximately 700,000 solar panels on approximately 1630 acres of property with an estimated generation capacity of 300 megawatts, per Section 17.38.170 – Special Use permit – Uses Allowed, of the BSBMC. The property is located in a “R-1S” (One Family Suburban Residence) zone, legally described TRACT 2, TRACT 5, TRACT 6, TRACT 7, TRACT 9, TRACT 10, AND TRACT 15 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN PORTIONS OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, THE SOUTH HALF (S1/2) OF SECTION 18 AND THE NORTHWEST QUARTER (NW1/4) OF SECTION 19 TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

ALL OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 8 EAST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.
ALSO


ALSO

THE HARRINGTON LODE CLAIM, SURVEY #10016, AND NEW BUTTE LODE CLAIM, SURVEY #10016, IN SECTIONS 23 & 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

GOVERNMENT LOT NUMBERED ONE (1) OF SECTION TWENTY THREE (23) IN TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA, EXCEPTING THEREFROM ANY PORTION OF WHICH LIES WITHIN THE HARRINGTON LODE CLAIM AND NEW BUTTE LODE CLAIM, SURVEY No. 10016.

EXCEPTING

THAT PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, commonly located between Little Basin Creek Rd. and Basin Creek Rd, south and west of the South Industrial Park, Butte, Montana.
**VARIANCE-21-000006** — An application by Gozden-McDermott Cattle Company, LLC, c/o John McDermott, 203 Black Angus Lane, Butte, MT, owner, and Cushing Terrell, 13 N. 23rd Street, Billings, MT, agent to vary from Section 17.38.037 – Landscaping Requirements – Determination of Area, Section 17.38.041 – Landscaping Requirements – New Site Development, Section 17.38.044 – Landscaping Requirements – Commercial or Industrial Uses in Residential Zones. Section 17.38.046 - Landscaping Buffers, and Section 17.38.055 – Sprinkler. The property is located in a “R-1S” (One Family Suburban Residence) zone, legally described TRACT 2, TRACT 5, TRACT 6, TRACT 7, TRACT 9, TRACT 10, AND TRACT 15 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN PORTIONS OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, THE SOUTH HALF (S1/2) OF SECTION 18 AND THE NORTHWEST QUARTER (NW1/4) OF SECTION 19 TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

ALL OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 8 EAST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE NORTH ONE HALF OF THE SOUTHEAST QUARTER (N1/2SE1/4), THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER (SE1/4SE1/4) AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4SW1/4) OF SECTION 14, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE HARRINGTON LODE CLAIM, SURVEY #10016, AND NEW BUTTE LODE CLAIM, SURVEY #10016, IN SECTIONS 23 & 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

GOVERNMENT LOT NUMBERED ONE (1) OF SECTION TWENTY THREE (23) IN TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA, EXCEPTING THEREFROM ANY PORTION OF WHICH LIES WITHIN THE HARRINGTON LODE CLAIM AND NEW BUTTE LODE CLAIM, SURVEY No. 10016.

EXCEPTING

THAT PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, commonly located between Little Basin Creek Rd. and Basin Creek Rd, south and west of the South Industrial Park, Butte, Montana.
III. Other Business.
IV. Adjournment.

BY: [Signature]
Lori Casey, Planning Director
ITEM: Special Use Permit Application – SPUSE-21-000006 - An application for a special use permit by Gozden-McDermott Cattle Company LLC c/o John McDermott, owner, and Cushing Terrell, agent to construct a photovoltaic (PV power generation facility through the installation of approximately 700,000 solar panels on approximately 1630 acres of property with an estimated generation capacity of 300 megawatts, per Section 17.38.170 – Special Use Permit – Uses Allowed of the Butte-Silver Bow (B-SB) Municipal Code.

APPLICANT: Gozden-McDermott Cattle Company LLC c/o John McDermott, 203 Black Angus Lane, Butte, MT, owner, and Cushing Terrell, 13 N 23rd Street Billings, MT, agent.

DATE/TIME: Thursday, June 17, 2021, at 5:30 p.m., Council Chambers, Room 312, Courthouse Building, 155 W. Granite Street, Butte, Montana.

REPORT BY: Lori Casey, Planning Director
VICINITY MAP:

LOCATION/DESCRIPTION: The proposed project encompasses property that is in the "R-1S" (One Family Suburban Residence) zone, the "R-4S" (Manufactured Home Suburban) zone and a not zoned area. The property is legally described as Tract 2, Tract 5, Tract 6, Tract 7, Tract 9, Tract 10, and Tract 15 of Certificate of Survey No. 1097A-RT, located in portions of Section 24, Township 2 North, Range 8 West, the South half (S1/2) OF Section 18 and the Northwest Quarter (NW1/4) OF Section 19, Township 2 North, Range 7 West, PPM, Montana, County of Silver Bow, State of Montana. Also, all of Section 13, Township 2 North, Range 8 East, PPM, Montana, County of Silver Bow, State of Montana. Also, the Northeast Quarter (NE1/4) of Section 23, Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana. Also, the North one-half of the Southeast Quarter (N1/2SE1/4), the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 14, Township 2 North, Range 8 West, PPM, Montana,
County of Silver Bow, State of Montana. Also, the Harrington Lode Claim, survey #10016, and New Butte Lode Claim, Survey #10016, in Sections 23 & 24, Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana. Also, Government Lot Number one (1) of Section 23 in Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana, excepting therefrom any portion of which lies within the Harrington Lode Claim and the New Butte Lode Claim, Survey No. 10016. Excepting that portion of Tract 2 of Certificate of Survey No. 1097A-RT, located in the South half (S1/2) of Section 18, Township 2 North, Range 7 West, PPM, Montana. Commonly located between Little Basin Creek Rd. and Basin Creek Rd., south and west of the South Industrial Park, Butte, Montana.

PROPOSAL: The applicants are proposing to construct a photovoltaic (PV) power generation facility through the installation of approximately 700,000 solar panels on approximately 1630 acres of property.

The total estimated generation capacity is 300 megawatts, providing enough power to meet the needs of over 40,000 single family homes. If approved, this will be one of the ten largest solar projects in the United States. The generated power will primarily be consumed for the Atlas Power data center. There will be a connection to the grid to sell any excess generation.

The proposed construction timeframe of this project is August 2021 – November 2022.

STAFF FINDINGS: The intent of the Special Use permit is to allow other uses than those specifically allowed in each district and to provide more flexibility for the use of land in each zone where appropriate, but specific safeguards are provided to protect other permitted uses from possible adverse effects.
Per Section 17.38.180 – Special use permit – Uses allowed, the following uses may be allowed in any zone by special use permit from the Board of Adjustment after public hearing; provided, that the location thereof is found by the Board to be in harmony with proper development; and, provided, reasonable conditions shall be imposed to protect the surrounding property and zone in which such use is to be located: airports; drive-in theaters; art galleries; museums; universities; stadiums; coliseums; hospitals and medical and dental clinics; nursing homes; retirement homes or boarding homes; orphanages; nonprofit institutions for educational, philanthropic, and eleemosynary uses; railroad rights-of-way, provided that no loading, storage, or switching shall be permitted in any R zone; sewerage treatment plants; electric power plants; municipal crematories and refuse dumps; radio and television broadcasting stations and transmitter towers; cemeteries; recreational developments operated by public and private organizations or individuals after a finding by the Board that the recreational development will be of benefit to the community; and any use rules by the Board to be similar in nature to the uses listed above in this section in that said use possesses peculiar location, design or special problems that need to be reviewed or controlled by a special use permit. As such, the Basin Creek Solar project is recognized as a special use.

In reviewing a special use permit application, due consideration shall be given to the following:

A. The location, character and natural features of the property;
B. The location, character and design of adjacent buildings;
C. Substantial changes that have occurred in the surrounding land uses since the original adoption of the Ordinance codified in this title;
D. Proposed fencing, screening and landscaping;
E. Proposed vegetation, topography, and natural drainage;
F. Proposed vehicular access, circulation, and parking, including that relating to bicycles and other unpowered vehicles and provisions for handicapped persons;

G. Proposed pedestrian circulation, including provisions for handicapped persons;

H. Proposed signs and lighting;

I. All potential nuisances;

J. Public safety and health;

K. The availability of public utilities and services;

L. Situations which prevent the utilization of the property for the full range of uses allowed in that district;

M. The use or zone classification sought would enhance and promote the comprehensive development of the immediate neighborhood, and community;

N. That the use or classification conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this title;

O. That the use will promote or not substantially impede the conservation of resources and energy, and the conservation policy of Butte-Silver Bow, state of Montana;

P. That the use meets the overall density, yard, height, and other requirements of the zone in which it is located;

Q. That the use or classification will not adversely affect nearby properties or their occupants;

R. Conformity of the proposed use with the neighborhood plan, if one has been adopted;

S. Compatibility of proposed project with existing adjacent buildings, structures, neighborhood, topography or other consideration; and

T. Expressed public opinion relating to the criteria enumerated above, including the views of neighborhood associations.

The Board's decision to issue a special use permit must be based on findings that the Basin Creek Solar project will not be unduly detrimental to other properties and/or contrary to the spirit and intent of the Zoning Ordinance. It is the responsibility of the applicants to present evidence to the
satisfaction of the Board that undue detriment will not result from granting the permit.

The applicants have submitted an extensive application that is enclosed and made a part of this staff analysis. The application addresses the above noted review criteria. Staff has evaluated the submitted application in consideration of these criteria herein.

**Staff Evaluation of Application**

1) As the application states, the property is located just south and west of the Urban Limit Boundary. The property is part of the Gozden-McDermott Cattle Company and has been utilized for livestock grazing.

Little Basin Creek traverses the property. Little Basin Creek is designated by FEMA as having a Special Flood Hazard Area (floodplain). Areas adjacent and within the floodplain have been designated as wetlands.

Montana Fish, Wildlife and Parks (FWP) has reviewed the application and offered comments on the impacts of the proposed project on fish, wildlife, parks, and recreational resources, as well as recommendations to reduce impacts. They have noted that the project lies within elk winter range and recommend that the project be consolidated to the extent possible and follow their recommended setbacks from streams and wetlands.

2) North and west of the proposed project is the South Butte Industrial Park. The Park is comprised of various industrial facilities and the Basin Creek Power Plant. The area that surrounds the Industrial Park has been developed with single family homes and outbuildings that are typically found in suburban and rural development. Although the residential zoning districts for the area require a minimum of one acre for development, most of the surrounding developed properties have 20 acres or more. The residential development that has taken place
in the area has been a much lower density than what is allowed in the Zoning Ordinance. Based on this lower density characteristic, the Butte-Silver Bow Comprehensive Plan has designated the proposed project area as either rural residential or working lands place type. These place types will be discussed in more depth in Criteria M.

3) Criteria C - substantial changes that have occurred in the surrounding land uses since the original adoption of this Ordinance. The land uses surrounding the project site have not changed since the original adoption of the Zoning Ordinance. As the application states, more development has taken place within the Industrial Park, an area that has been zoned “M-1” Light Industrial. In 2016, Butte-Silver Bow created a targeted economic development district that encompasses the Industrial Park and properties to the north and east adjacent to Basin Creek Rd. Prior to the adoption of the TEDD, Butte-Silver Bow completed a zone change of the properties located between Basin Creek Rd. and Highway 10 from residential to industrial.

4) Criteria D – proposed fencing, screening and landscaping. Per section 17.38.044 all commercial and industrial uses allowed by conditional/special use permit shall meet all landscaping requirements of the Special Provisions Chapter of the BSBMC. The applicants have requested a variance to this section, as they are requesting the following variances to the requirements: Section 17.38.041 – New site development; 17.38.044 Landscaping requirements – Commercial or industrial uses in residential zones, 17.38.046 (A) - Landscaping buffers, and 17.38.055 – Sprinklers. These variances will be discussed in a separate report. Variance requests must meet all three of the following criteria: 1) the variance must not be contrary to the public interest, 2) the literal enforcement of the Zoning Ordinance must result in an unnecessary hardship owning to conditions unique to the property, and 3) the spirit of the Zoning Ordinance
must be observed and substantial justice done in order to be granted. The approval or denial of a variance request may or may not have an effect on the approval or denial of a Special Use Permit application. In other words, the Board may determine that a variance request does not meet the criteria and deny the request. That does not mean that the Special Use Permit is automatically denied. The Board must take all information into consideration (including variance requests) to determine if the solar facility fits in harmony with the area.

In regard to fencing, the applicants are proposing a seven (7) foot tall woven wire fence with bright colored flagging on the top. The fence would be required to be constructed according to Montana Fish Wildlife and Park guide. The layout of the panels is proposed to be divided into zones. Each zone will be comprised of panels and equipment and will be fenced and gated to provide effective protection and vehicle access. Each fence zone will be sited and sized to avoid Little Basin Creek floodplain and wetland impacts and will maintain a wildlife corridor through the site. Based on the applicants’ site plan, there would be an east-west corridor adjacent to Little Basin Creek. The site plan indicates there may be several other smaller zones, however, the Board may wish to have the applicants specifically identify all of the zones.

It is important to note that FWP highly supports the use of exclusionary fencing around the panels and the proposal to make the fences visible.

The applicants are requesting not to screen the property because of the topography and size of the project and thus, have requested a variance from this requirement. Instead, they are proposing to create an educational point of interest about the development of green energy. They are proposing two gateway signs and an educational point of interest of Basin Creek Rd. This area will include information about the significance of the project, native low maintenance plantings and access to a walking path.
In addition, in lieu of installing landscaping screening on the project site, the application states that the project owners will work with adjacent property owners to provide reasonable resources for landscape screening on their property. The requested variances are further discussed in the variance report.

5) Criteria E – proposed vegetation, topography, and natural drainage. The applicants have stated that any disturbance due to the installation of the solar panels will be replanted with a native seed mix and maintained through a weed management plan. The site will be mowed for maintenance and to help reduce fire hazard.

As stated previously, Little Basin Creek traverses the site. This is a FEMA regulated floodplain. The applicants have stated in their application that the facility is being designed to not impact the floodplain or wetland areas. To the extent that the Board approves this Special Use Permit application, the applicants will be required to secure the appropriate permitting to work in and near designated floodplains and wetlands.

6) Criteria G addresses pedestrian circulation, including provisions for handicapped persons. The applicants have proposed an interpretive area with a walking path. To the extent that this application is approved, the interpretation area and walking path will need to meet ADA requirements to the maximum extent feasible.

Section 17.38.036 landscaping requirements – sidewalk and curb/gutter require all new commercial and industrial uses to install sidewalks/curb and gutter along all property lines that are adjacent to a dedicated street. In this particular case, Basin Creek Road is a dedicated street. Therefore, to the extent that this application is approved, the applicants will be required to install sidewalk and curb/gutter along the property boundary in the zoned area that borders Basin Creek Rd.
7) Criteria I – potential nuisances. Once constructed, the solar facility will have very limited traffic. Activity at the site will be routine maintenance.

Noise can be considered a potential nuisance. It is referenced in the application that these types of facilities make a humming noise when the sun is out and the system is generating electricity. According to the information in the application, the noise will register approximately 67 decibels. For reference, conversation is 60 decibels and a dishwasher is 70. This level of humming would be during the daylight hours.

In regard to visual impact, the applicants did study this using 3D modeling and topographical analysis. A link to this video was supplied in the application in addition to some viewshed images in Appendix L of the application.

As stated above, the size and topography make it very difficult to screen the panels on this site. The perimeter of the property is over 8 miles long. The applicants have stated that the project owners are willing to work with the neighboring property owners individually to help reduce their visual impact.

The location and size of this property can have an impact on wildlife. The FWP has stated that the project lies within elk winter range and recommends that the footprint be consolidated to the extent possible. In addition, they recommend setbacks from Little Basin Creek floodplain and wetland.

Solar facilities may also have an effect on birds, as the surface of the panels can mimic water bodies which attracts insects and birds. FWP biologists are available to provide input on the design of the solar panels to reduce impacts to birds once site studies have been completed on the newer solar panel technology that is a non-reflective surface.
There is also a concern that solar facilities cause glare. The applicants are proposing to utilize solar PV and have stated that Solar PV does not reflect substantial amounts of sunlight. With regard to the potential of glare, the FAA is requesting that a Solar Glare Study be conducted on the project, as well as submitting a Form 7460.

Another potential nuisance can be the construction activity. Appendix K of the application identifies two staging areas, one on the northeast side of the project area closer to the Basin Creek Power plant and a secondary staging area located in the southeast quadrant of the project site. Both staging areas will be accessed from Basin Creek Rd. Although there may be capability for the construction material to be brought in by train, the applicants anticipate that most will come in by truck. Construction hours are expected to be 7:00 a.m. to 5:30 p.m., Monday – Saturday. Work on the perimeter near adjacent residential properties will be foundations, racking, panel installation and exterior fencing. The more heavily trafficked areas will be the main staging yard and main travel corridors that are located more in the center of the project area. Construction travel areas will be watered to reduce dust produced by the construction.

8) Criteria- J public safety and health. The applicants are proposing to mow the site once or twice a year to create a vegetation buffer to help reduce the potential of a fire spreading.

The project owners have stated that they are working on an Emergency Response Plan with local officials. The plan will include a copy of the project summary, an electrical schematic and site plan.

In regard to the availability of water to fight a grassland fire, there is a public water line and fire hydrants located adjacent to Basin Creek Road. There is not a public water source on the west side of the project area.
The proposed facility will follow the National Electric Code requirements in regard to the accessibility of the site and signage. In addition, the site will utilize wireless security cameras at each gated entrance.

With regard to the Bert Mooney Airport, to the extent the project is approved, the applicants will be required to receive approval from the FAA. The FAA is requiring the submittal of Form 7460 and a Glare Study.

The disposal of the solar panels and decommissioning plan of the site is important to protect the public health and safety. Further research will need to be completed before a determination on whether or not the Butte-Silver Bow Landfill would be able to accept the disposal of broken or non-functioning solar panels.

Montana Code Annotated 75-26-301 requires owners of solar facilities of 2 megawatts and greater to submit a decommission plan and bond to the Montana Department of Environmental Quality (DEQ). The size of the project will require that the applicants submit a decommissioning plan to the Montana Department of Environmental Quality. The decommissioning plan must be submitted within 12 months after commencing commercial operation.

9) Criteria L – situations which prevent the utilization of the property for the full range of uses allowed in that district. The project area is zoned “R-1S” (One Family Suburban Residence) zone. This zone allows single family residences, Class A and B manufactured homes, modular, farming, keeping of livestock, fowl, rabbits, and/or bees with certain restrictions and Class 1 and Class 3 kennels with certain restrictions. The “R-4S” (Manufactured Home Suburban) zone has the same allowed uses of the “R-1S” zone with the addition of mobile homes that meet certain criteria. A portion of the
south end of the project area is not zoned and, therefore, there are zoning restriction associated with that area.

10) In regard to Criteria N – that the use or classification conforms generally to the objectives of the adopted Comprehensive Plan and to the purpose of the Ordinance – Butte-Silver Bow recently adopted the Growth Policy Update that is now referred to in the Comprehensive Plan. The applicants have adequately addressed the economic measures that the project meets. In addition to the economic aspect, the Comprehensive Plan addresses future land uses. The future land uses for the project area are Working Lands and Rural Residential. The South Industrial Park is designated as Economic Driver.

The Working Lands Place type encompasses a significant portion of privately held property in Butte-Silver Bow County. Land uses typical of this place type include large-scale agricultural and silvicultural operations, land cultivation, ranching and limited resource extraction. Large tracts of land are representative of this place type. Development standards are limited for working lands with large setbacks and minimalist development restriction characteristic of rural agrarian landscapes. Clustering may be encouraged in the limited instances where large-lot estate residential development may be considered – when served by appropriate infrastructure. Protection of viewsheds and preservation of the traditional western characteristics – especially, those prominent in the City and County of Butte-Silver Bow are especially important in this place type.

Rural Residential Place types are characterized by large-acreage residential tracts of land exhibiting a varied development pattern typical of estate residential subdivisions. Smaller parcel sizes may be found closer to urban areas, but still exhibit an irregular development pattern and are typically served by limited infrastructure. While single family residential is the predominant land use in these areas, small-scale commercial services, utilities
and agritourism activities may be intermixed on a limited basis. Hobby farms and the raising of animals for personal use is also common. Rural residential development is typically served by well and septic and accessed via a local road network. The character of these areas is eclectic, with limited design standards applicable and a "live and let live" mentality applied to personal property.

The applicants have presented information within their report that the proposed solar array shares similarities with resource extraction activities and, therefore, aligns with Working Lands place type which does provide for limited resource extraction.

It is important to note that the Zoning Ordinance does allow for Special Use Permits. As stated previously, the applicants’ project does qualify for review under the Special Use provisions.

11) Criteria O – that the use will promote or not substantially impede the conservation of resources and energy and the conservation policy of the Butte-Silver Bow, State of Montana. Energy produced through the use of solar is considered a green energy source. The benefit of a green energy is that they do not produce greenhouse gas emissions from fossil fuels and reduce some types of air pollution. Solar helps to diversify energy supply. The applicants have stated that this facility will be connected to the utility infrastructure.

12) Criteria Q reviews whether the use will adversely affect nearby properties or their occupants. The applicants have provided a detailed application, site plan and exhibits to provide information and operation detail on the solar facility. A solar facility provides many positive benefits to the to the community. However, the visual impact of a facility of this size may adversely affect nearby properties. The visual impact is not easily mitigated. That
being said, the Board must make a determination if the adverse impacts are acceptable.

13) In regard to Criteria R, there is no known neighborhood plan for this area.

14) Criteria S addresses the compatibility of the proposed project with the existing adjacent buildings, structures, neighborhood, topography or other considerations. As stated previously, the adjacent South Industrial Park characteristics are that of industrial enterprises. The Park also has the Basin Creek Power plant. This particular location for the solar facility allows the facility to be connected to the grid and provide another resource of power to the facilities located in the Park including Atlas Power. The existing structure within the Park can be seen by many of the surrounding properties, including those residential facilities on the Little Basin Creek side. That being said, there is a substantial amount of grazing and/or open space lands that buffer the neighboring residential properties from the industrial park.

As stated previously, the project site has been historically used as part of the Gozden-McDermott Cattle Company. The surrounding properties are rural residential.

15) Criteria T is the expressed public opinion relating to the review criteria of the application. In their application the applicants have stated that they would be conducting their own outreach to the public by holding open houses. The open houses were planned to be scheduled after the submittal of their application. As a result of the open houses, the applicants have submitted information on the results of the public events. It is important to note that the applicants’ additional information was not used by staff to evaluate the criteria of the Special Use Permit application, as it was not submitted before the application deadline. The information is presented to the Board only in the context of receiving it as public opinion.
In addition, as of the writing of this report, the Planning Department has received letters regarding this project. These letters are also enclosed with the report and application.

The Planning Department will provide the Board with any additional comments that it receives.

16) Staff concurs with any review criteria provided in the application that has not been addressed herein.

**CONCLUSION:** Based on the information provided in the application, staff's analysis of the review criteria, and any public opinion as it relates to the criteria, the Board must determine if the applicants have presented evidence to the satisfaction of the Board that said undue detriment will not result from the granting of a Special Use Permit for the Basin Creek Solar project.

Section 17.38.160 Special or Conditional Use Permit – Decision of Board, requires staff to refer the application to the Board within 15 days of the receipt of the application and all requested information. The applicants had requested that their application be heard on the June 17 agenda. The Board shall within sixty days:

A. Deny the application and give reasons for the denial in writing to the applicants; or

B. Approve the application and the Zoning Officer shall issue a zoning compliance permit with conditions specified thereon.
ITEM: **VARIANCE-21-000006** - An application to vary from Sections 17.38.041 – Landscaping Requirements – New Site Development, 17.38.044 – Landscaping Requirements – Commercial or Industrial Uses in Residential Zones, 17.38.046(A) - Landscaping Buffers, and 17.38.055 – Sprinkler System Installation Requirements of the BSBMC.

APPLICANT: Gozden-McDermott Cattle Company LLC c/o John McDermott, 203 Black Angus Lane, Butte, MT, owner, and Cushing Terrell, 13 N 23rd Street Billings, MT, agent.

DATE/TIME: Thursday, June 17, 2021, at 5:30 p.m., Council Chambers, Room 312, Courthouse Building, 155 W. Granite Street, Butte, Montana.

REPORT BY: Dylan Pipinich, Assistant Planning Director
VICINITY MAP:

LOCATION/DESCRIPTION: The proposed project encompasses property that is in the "R-1S" (One Family Suburban Residence) zone, the "R-4S" (Manufactured Home Suburban) zone and a not zoned area. The property is legally described as Tract 2, Tract 5, Tract 6, Tract 7, Tract 9, Tract 10, and Tract 15 of Certificate of Survey No. 1097A-RT, located in portions of Section 24, Township 2 North, Range 8 West, the South half (S1/2) OF Section 18 and the Northwest Quarter (NW1/4) OF Section 19, Township 2 North, Range 7 West, PPM, Montana, County of Silver Bow, State of Montana. Also, all of Section 13, Township 2 North, Range 8 East, PPM, Montana, County of Silver Bow, State of Montana. Also, the Northeast Quarter (NE1/4) of Section 23, Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana. Also, the North one-half of the Southeast Quarter (N1/2SE1/4),
the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) and the Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section 14, Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana. Also, the Harrington Lode Claim, survey #10016, and New Butte Lode Claim, Survey #10016, in Sections 23 & 24, Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana. Also, Government Lot Number one (1) of Section 23 in Township 2 North, Range 8 West, PPM, Montana, County of Silver Bow, State of Montana, excepting therefrom any portion of which lies within the Harrington Lode Claim and the New Butte Lode Claim, Survey No. 10016. Excepting that portion of Tract 2 of Certificate of Survey No. 1097A-RT, located in the South half (S1/2) of Section 18, Township 2 North, Range 7 West, PPM, Montana. Commonly located between Little Basin Creek Rd. and Basin Creek Rd., south and west of the South Industrial Park, Butte, Montana.

PROPOSAL: The applicants are proposing to construct a photovoltaic (PV power generation facility through the installation of approximately 700,000 solar panels on approximately 1630 acres of property as described in SPUSE-21-000007, which is the primary application for this proposal. In addition to the applicants' Special Use Permit, if approved, they have requested to vary from the sections of the landscaping requirements listed above. Staff is considering this application, VARIANCE-21-000006, as a secondary application since the requested variances are only applicable, if the Board determines the use itself is appropriate in the primary application.

Specifically, the applicants are proposing an alternative landscaping plan, asking reprieve from the sprinkler installation requirements, and to not install a 5 foot wide planting buffer around the perimeter of the project.
STAFF
FINDINGS:

The Special Use Permit process was created to allow other uses than those specifically allowed in each district and to provide more flexibility for the use of land in each zone where appropriate. During evaluation of the special use permit process, certain other zoning regulations for each proposal can come into consideration. For instance, Section 17.38.044 – Commercial or Industrial Uses in residential zones requires that all landscaping requirements as defined by Chapter 17.38 of the BSBMC shall be met for projects permitted by a Special Use Permit.

In response to the landscaping requirements, the applicants, in conjunction with their Special Use Permit application, are requesting reprieve from several landscaping requirements in this section of the Ordinance. It shall be noted that the applicants’ proposal and site plan that was evaluated during the Special Use Permit process reflects the variance requests and the special use permit was evaluated as such. The variance requests are listed below:

1. **Section 17.38.044 – Landscaping Requirements – Commercial or Industrial Uses in Residential Zones** – This section requires that conditional or special uses shall meet all landscaping requirements as defined by this chapter. Because the applicants are asking to vary from sections of this chapter, they are proposing to not meet all of the landscaping requirements and, therefore, are requesting a variance from this section.

2. **Section 17.38.041 – Landscaping Requirements – New Site Development** - This section requires that new site development shall provide one hundred percent of the landscaping as defined by this chapter. Again, because the applicants are proposing to not
meet all of the required sections of the Ordinance, they are requesting a variance from this requirement.

3. **Section 17.38.046(A) - Landscaping Buffers** – This section states that where the lot adjoins the side property line of a lot within an R-zone, there shall be provided trees and shrubs of sufficient height and density to effectively screen the property including a five-foot wide planting strip. The SUP application states that the project owners will work with adjacent property owners to provide reasonable resources for landscape screening on their property in lieu of this requirement.

4. **Section 17.383055 – Sprinkler System installation requirements** – This section requires that all commercial and industrial uses shall install an automatic sprinkler system that will irrigate all live vegetation. Because of the size and location of the project, the applicants are requesting to not install a sprinkler system for any landscaping.

Section 17.54.060 – Powers of the BSBMC describes the powers of the Board in this instance as follows:

“To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship, and so that the spirit of this title shall be observed and substantial justice done.”

As stated above, this variance application was completed in conjunction with a Special Use Permit application to locate the facility itself within a residential zone. An evaluation of the appropriateness of the Special Use proposal in regard to the twenty (20) review criteria was completed previously and this staff analysis evaluates the
three criteria established for the granting of variances separate from the review criteria for the Special Use Permit itself, as a secondary application for the proposal.

In regard to the variance requests from Section 17.38.041 and Section 17.38.044, they are required because the applicants are requesting variances from other sections and, therefore, are not proposing to install 100% of the landscaping requirements. The determination for appropriateness for the other variance requests shall be applicable to these requests as well and, therefore, the three criteria for these two requests will not be evaluated individually but congruently with the other requests.

1. **The variance must not be contrary to the public interest.**

The landscaping requirements in the Zoning Ordinance were created to enhance the aesthetic value of commercial and industrial developments and buffer those uses of land which may have an adverse impact on the surrounding land use. The intent of Sections 17.38.044 and 17.38.041 is to ensure those uses that may be allowed in residential zones also enhance the aesthetic value of the development and buffer their impacts from the surrounding land uses. This is particularly important when commercial or industrial uses are located in residential zones via Special Use Permit.

In determining the required amount of landscaping for a proposal, it is important that the size of the development is considered. For instance, a development that occupies a larger footprint would need more landscaping than a development with a smaller footprint to reach the goals of enhancing the aesthetic value of the development and buffering impacts to the surrounding land uses, which, in this
case, is the public interest. The Zoning Ordinance achieves this goal by requiring a set percentage of landscaping area based on the size of the parcel of record.

In this specific instance, the project area is approximately 1630 acres in size. The zoning designation is “R-1S” (Single Family Suburban Residence) and is currently utilized as agricultural land. In lieu of the required landscaping, the applicants are proposing to install two gateway signs announcing the project site and the creation of an educational point of interest with interpretive signage and a 0.75 mile walking trail. In evaluating the intent of the landscaping requirements in the Zoning Ordinance, it may not be in the public interest to require such a large amount of landscaping commonly found in more developed areas. The look and feel of the project and surrounding area is intended to be more rural and requiring a large amount of landscaping intended for considerably smaller commercial and industrial developments may not be in the public interest.

The public interest in requiring a landscaping buffer is to reduce the visual impact of the project itself from the surrounding landowners and to ensure that the landscaping survives. In this instance, with a project this large in size coupled with the existing topography, a planting buffer around the perimeter of the project would not achieve the intent of the Ordinance. In lieu of the planting buffer, the applicants have stated in the SUP application that they will work with the neighboring landowners for screening on their individual properties in an attempt to mitigate the visual impact on a case-by-case basis. It should be noted that this would be a private agreement between landowners and would not be
addressed by the Zoning Ordinance.

The public interest in requiring a sprinkler system is to ensure that any required landscaping will survive. The applicants are proposing to install some landscaping at the gateway signage locations and the educational point of interest that would be low maintenance and drought tolerant. The application lacks detail regarding the signage and educational point of interest locations layout or landscaping design, however, it may be in the public interest to consider an alternative landscaping plan focused on visual and access points from Basin Creek Road.

It should also be noted that to the extent the Special Use Permit is approved, the underlying zone would remain residential. Given that projects of this nature have finite life spans, it may not be in the public interest to require the level of landscaping typically found in commercial or industrial developments, as the intent would be to eventually reclaim the project area to its current state.

As noted above, the proposed site is very large. However, if approved, the construction of the facility will require access roads, storage areas, etc. Staff would like to note that this type of ground disturbance is likely to cause weed infestation. While it may not be contrary to the public interest to grant reprieve from the total landscaping requirement, it would be in the public interest to ensure weeds are managed with the requirement of a weed management plan and assurance in the form of a bond.

Based on the above discussion and if the Board finds that a Special Use Permit is appropriate, the requested variances to the landscaping requirements for this proposal may not be contrary to the public
interest.

2. **The literal enforcement of the Zoning Ordinance must result in an unnecessary hardship owing to conditions unique to the property.**

Unnecessary hardship, as defined by the Montana Supreme Court, must result from a condition unique to the property, such as a unique property shape, topographical feature or geological trait. This quality must preclude the applicants' ability to place a structure on the property in compliance with the Zoning Ordinance. The hardship may not result from a condition created by the applicants.

In this instance, the size of the property is considerably larger than most parcels with proposed industrial uses, regardless of the zoning designation. A literal interpretation of the landscaping requirements would require dozens of acres solely dedicated to landscaping.

The landscaping portion of the Zoning Ordinance requires a varying percentage of landscaping based on the size of the parcel, but the largest category for consideration is for parcels over five (5) acres. The intent was not to apply this to a 1630 acre development. Based on this discussion, staff does believe that the size of the parcel and topography constitutes a hardship unique to this property.

Staff would like to reiterate that hardship cannot be a result of a condition created by the applicants. Therefore, if approved, the installation of a solar field cannot constitute as a hardship for any future development the owner has planned.

3. **The spirit of the Zoning Ordinance must be**
observed and substantial justice done.

The purpose of the Zoning Ordinance is to establish minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare by restricting practices that may infringe on the rights of adjacent landowners and the general public, while permitting reasonable use of private property. Zoning guides development in a consistent manner across land use zones and substantial justice must be done to ensure a decision for a variance is appropriate. Substantial justice, in this regard, does not necessarily mean that substantial justice be done for the applicants but that the Board has considered the broader objectives of the law and that the decision reflects fairness and equal treatment for all parties.

In considering if substantial justice has been done in regard to a zoning decision, the Board should take into consideration the following:

1. Would literal interpretation of the provisions of this chapter deprive the applicants of rights commonly enjoyed by other tracts in the same district?

2. Would approving the variance request grant the applicants any special privilege that is denied by this chapter to other land in the same district?

While the Board has the power to grant variances when certain criteria, as defined by the Montana Code Annotated and evaluated herein exists, the Board also has the duty to uphold all relevant zoning regulations. If the Board determines substantial justice has been done considering the broader
objectives of the Ordinance and the decision reflects fair treatment of not only the applicants but other parcels located in the same district, a variance may be applicable.

In regard to the evaluation of the spirit of the Zoning Ordinance, as stated in the evaluation of criteria #1, the intent is to require aesthetically pleasing developments while congruently protecting impacts to surrounding properties. In this instance, due to the proposed project's vast size and topography, it is possible to meet the goals of the Ordinance without meeting the literal interpretation of the requirements of the Ordinance for the purposes of area determination. In regard to the requested reprieve from the buffering requirement, it should be noted that screening and buffering is important for a proposal that has the potential to cause such an intense visual impact. However, the literal interpretation of the Zoning Ordinance (a five foot planting buffer) would do little if anything to provide mitigation for the visual impacts. Therefore, staff believes the variance requests are in the spirit of the Zoning Ordinance.

In regard to substantial justice being done, literal interpretation of the Ordinance may deprive the applicants of rights enjoyed by other tracts of land in this district. Because the uniqueness of the proposal, staff does not believe the variance requests constitute special privilege denied to others in the same zone, but more reflect an attempt to create alternatives that better suit the proposal's unique nature.

To the extent the Special Use Permit is granted, the granting of these variances would still ensure that the broader scope of the law is being followed.
CONCLUSION: As discussed within the report, the requested variance to deviate from the requirements listed above in the landscaping section of the Zoning Ordinance may not be contrary to the public interest. There does seem to be a hardship unique to the subject parcel due to its size and the spirit of the Zoning Ordinance for aesthetically pleasing development in regard to landscaping and buffering seem to have been met. Also, it does seem as if substantial justice has been done and the proposed variance requests fall within the broader objectives of the law and reprieve from the listed sections would be fair and equitable for all parties. Therefore, if the Board feels that the primary proposal is appropriate as a Special Use for the area, staff believes that secondary application VARIANCE-21-000006 for reprieve from the listed landscaping requirements should be approved with the understanding that any applicable requirement in Chapter 17 of the BSBMC not specifically addressed herein shall be met. Any conditions of approval that the Board feels necessary should be added to the primary application to ensure all mitigations are tied to the approval of the use and not the variance requests only.
June 11, 2021

Lori Casey, Planning Director
Butte-Silver Bow City-County Planning Department
155 W Granite Street
Butte, MT 59701

RE: Addendum to Application for a Variance from the County Zoning Ordinance

Dear Ms. Casey & Members of the Zoning Board of Adjustment,

It has come to our attention that 17.38.050 - Landscaping requirements—Sidewalk and curb/gutter; front and corner yards was omitted from the April 21, 2021 Variance Request for the Basin Creek Solar Project. Please consider this letter in addition to the information submitted with the initial variance request.

While the project will comply with some of the landscaping provisions listed in Chapter 17, the large size and irregular shape of the property, combined with the irregular shape of surrounding properties, creates a special condition in which the literal enforcement of the provision will result in unnecessary hardship. Further, the landscape standards listed in Chapter 17 were created to address common urban/suburban development, one that considers properties that have a typical block/street form and design. The property is approximately 1600 acres in size with no interior roads and will be used to generate electricity using solar energy. This is not a typical lot size nor is it a common use. Due to the unique property size and shape and the uncommon proposed use, an alternative landscape plan not is contrary to the public interest and is appropriate.

17.38.050 - Landscaping requirements—Sidewalk and curb/gutter; front and corner yards.

Curb and gutter are concrete structures used to collect surface runoff from paved and impervious surfaces and convey it to a storm drain system or other appropriate treatment or infiltration system specifically engineered and designed for the site. When there is no collection system in place, collecting surface water and conveying it using curb and gutter has the potential to create more runoff problems than it will solve.

There is currently no stormwater infrastructure constructed in the vicinity of the project site, in fact, the southern portion of the site is unzoned. It is the opinion of our team that the fragmented installation of runoff structures could create issues in the area and a curb and gutter project should be included within the scope of a larger road improvement project. One that includes proper design and installation of stormwater management systems.

cushingterrell.com
Further, the installation of sidewalks on the property is also unpractical as the site is located out of town and far from existing pedestrian connectivity and non-motorized transportation routes. While sidewalks make sense for common urban/suburban development, one that has a typical block/street form, the project site is large and the proposed project is commercial/industrial in nature.

We request that the Zoning Board of Adjustment consider this information during the Special Use Permit/Variance hearing next week.

Sincerely,

Nicole Olmstead

Nicole Olmstead
Planner | Project Manager

nicoleolmstead@cushingterrell.com

cushingterrell.com
In the effort of full transparency, the Basin Creek Solar Team sought to provide detailed responses to public questions. We recorded and compiled questions posed about the solar project at open house meetings, 1-1 landowner meetings, on social media, and in traditional media sources. The following document lists frequently asked questions and the factual responses to each.

**Why did you choose south Butte for this project?**

The proposed project is located in an area of Butte which has been targeted for industrial usage. Area residents have also voted this property be used for "Working Lands". Further, no trees will need to be removed from this area before the instillation of the solar array. *Pt. 13,14*

**Are the panels reflective?**

The solar panels used in the Basin Creek Solar Project are designed to capture as much sunlight as possible. Therefore, the panels do not reflect sunlight. The blue-hued panels also contain an anti-reflection coating to minimize glare. *Pt. 9*

**Will the solar panels create a noise?**

The solar panels are designed to be noiseless. However, another part of the solar energy system, inverters, do create a small amount of noise. *Pt. 9, 16*

**Will the wildlife or livestock be able to enter the site?**

The complete perimeter of the Basin Creek Solar Project will be fenced with a FWP approved exclusion fence. This fence will prevent wildlife and livestock from entering the site. *Pt. 4*

**Will my property value decrease?**

A national survey found that this is a common misconception. Large scale solar farms have been shown to have no measurable impact on property values across the United States. *Pt. 17*

**What are the implications for Butte?**

Many companies are beginning to divest from fossil fuels and source exclusively renewable energy. By constructing this landmark facility, BCS more than doubles the green energy production in Montana and lays the foundation for these industries to relocate to Butte. *Pt. 14, 15*

**Will jobs be created by this project?**

During construction, the Basin Creek Solar will create approximately 150 direct union jobs as well as 50 to 60 induced jobs. Long term, about 10 jobs will be created to maintain the facility.

**Do the solar panels cause an ambient temperature increase?**

The purpose of solar panels is to absorb photons from direct sunlight to convert it to electricity. There is no evidence to indicate that PV solar arrays cause higher ambient temperatures. *Pt. 9*

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What will happen with the power?

The power generated at the Basin Creek Solar Project will be connected to Atlas Power Datacenter facility and to the electrical grid. The power generated will feed the data center and excess power will be exported to the grid. This power will be available to power companies such as Northwestern Energy.  

What are the short-term negative impacts of this project?

Similar to other construction projects, the installation of the solar array may cause short-term disturbances including equipment noise, site grading, soil erosion, and compaction from heavy equipment. Project construction will take place during normal business hours and may cause small disturbances to traffic.

Will the noise level in the area increase?

Solar energy inverters create a humming noise when the sun is out. The noise is very minimal, registering at 55 dB, slightly louder than a refrigerator. This sound from the inverters has been found to be inaudible at 50-150 feet from the array. All inverters will be placed a minimum of 150 feet from property boundaries.

What are the long-term negative impacts of this project?

During the lifetime of this project, residents will have an impact to their currently unimpeded viewshed. However, the project owners will work with adjacent property owners to secure resources for landscape screening.

How is the Atlas Power datacenter tied to the Basin Creek Solar Project?

The proposed Basin Creek Solar Project will supply power to the Atlas Power datacenter. This increase in power supply will allow Atlas Power to build an additional eight buildings to the current campus. In return, Butte will gain hundreds of long-term, high-paying jobs.

What are the short-term positive impacts of this project?

The proposed project has many benefits in the short-term. During the construction of the solar array, hundreds of local jobs will be created. These jobs are projected to bring millions of dollars into Butte’s economy.

Will the additions to the Atlas datacenter cause an increase in noise in the area?

In comparison to current buildings on the campus, the new Atlas Power buildings will be two times quieter. Additionally, noise analyses will be performed to ensure that the noise is non-disruptive to the area.

What are the long-term positive impacts of this project?

The solar array will not produce any noise, odor, or excessive traffic. The project will bring predictability to a large area and provide a buffer between residents and future industrial uses.

Further, the proposed project provides numerous economic opportunities for Butte. This project will attract a broad range of industries to Butte along with new jobs for citizens.
May 5, 2021

Landowner
XXX Street
Butte, MT 59701

RE: Invitation to Open Houses at Atlas Power datacenter, 200 Technology Way (old MSE site) to introduce the proposed Basin Creek Solar Project.

Dear Mr. Xxx

Project developers Madison River Equity, LLC would like to invite you to come to one of the two open houses planned at the Atlas Power datacenter located at 200 Technology Way to learn more about an exciting new project proposed for the area. Following are the two dates we have planned:

- Tuesday, May 11, from 4 to 7 p.m.
- Tuesday, May 18, from 4 to 7 p.m.

During these times, project partners will be available to present the plans in detail, answer questions and gather any ideas and concerns you and your neighbors might have about the proposal. Additionally, on-the-ground tours of the property proposed for development will be offered for those interested in taking a ride.

In summary, the Basin Creek Solar Project entails the development of a 300 MW solar power generation project located on the Gozden-McDermott property that would establish Butte as one of the largest renewable energy centers in the United States. Power from the project will be introduced to the electrical grid and will serve Butte’s power needs as well as allow for further economic development to diversify our area’s economy. The key example on the near-term horizon is the planned expansion of the Atlas Power datacenter, which would bring hundreds of millions of dollars in outside investment and new high-paying technology jobs to Butte.

We hope you can join us during one of these times. If you have any questions or would like to arrange a time to visit that works better for you, please don’t hesitate to contact us.

Sincerely,

Matt Vincent
Matt Vincent,
(406) 565-0234
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<tr>
<th>NAME</th>
<th>ADDRESS</th>
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<tr>
<td>Bobbie Stoddard</td>
<td>651 Basin Creek Rd</td>
<td>406-494-4402</td>
<td></td>
</tr>
<tr>
<td>Bill Gibson</td>
<td>102 N. Parliament</td>
<td>(406) 593-3660</td>
<td><a href="mailto:david.marin@gmail.com">david.marin@gmail.com</a></td>
</tr>
<tr>
<td>David Marin</td>
<td>1039 Cary Kids Mtn</td>
<td>804-727-7439</td>
<td><a href="mailto:david.marin@gmail.com">david.marin@gmail.com</a></td>
</tr>
<tr>
<td>Don Jaffrey</td>
<td>110 Beaver Pond</td>
<td>406-9854</td>
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<tr>
<td>Ray Clark &amp; Dianne</td>
<td>1200 Electric</td>
<td>406-7816</td>
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<tr>
<td>Steve Doran</td>
<td>339 Little Basin Creek</td>
<td>406-4810</td>
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<td>Shawna Maloney</td>
<td>2447 Parrot St.</td>
<td>782-7490</td>
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<tr>
<td>Bonda &amp; Scott Callig</td>
<td>231 Little Basin Rd</td>
<td>406-4900248</td>
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<td>JP Gallagher</td>
<td>1 Redwood</td>
<td>498-0038</td>
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<tr>
<td>Russell Clair</td>
<td>2080 Beart Trail</td>
<td>406-491-6564</td>
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<tr>
<td>David Vitzin</td>
<td>3735 Harrison</td>
<td>406-782-1111</td>
<td></td>
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<tr>
<td>Jesse Cole</td>
<td>510 Hammer Hill Rd</td>
<td>406-310-0209</td>
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<tr>
<td>Tim Casey</td>
<td>183 W. Granite</td>
<td>406-497-6255</td>
<td><a href="mailto:timcasey@comcast.net">timcasey@comcast.net</a></td>
</tr>
<tr>
<td>Steve Fichten</td>
<td>2835 White Blvd</td>
<td>494-4813</td>
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<tr>
<td>Carol &amp; Dave Lubick</td>
<td>1333 Beacon Rd</td>
<td>490-4805</td>
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<td>Dave &amp; Barb Olsen</td>
<td>1066 Standby Creek Rd</td>
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<td>Kristen Rose &amp; Chris</td>
<td>318 Galaxy Dr</td>
<td>497-6470</td>
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<tr>
<td>Eric Mahugh</td>
<td>1016 W. diamond st</td>
<td>490-9241</td>
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<tr>
<td>Joe Villauer</td>
<td>655 E Broadway</td>
<td><a href="mailto:jvillauer@bldk.net">jvillauer@bldk.net</a></td>
<td>925-9622</td>
</tr>
<tr>
<td>Nicole Hanni</td>
<td>166 Beaver Pond Rd</td>
<td><a href="mailto:nicole.hanni@wellsfargo.com">nicole.hanni@wellsfargo.com</a></td>
<td>818-498</td>
</tr>
<tr>
<td>Don Hanni</td>
<td>166 Beaver Pond Rd</td>
<td><a href="mailto:don.hanni99@gmail.com">don.hanni99@gmail.com</a></td>
<td>903-4527</td>
</tr>
<tr>
<td>Mark Matheny</td>
<td>104 N. Parkview</td>
<td><a href="mailto:bears@udap.com">bears@udap.com</a></td>
<td>586-4526</td>
</tr>
<tr>
<td>Michael Colman</td>
<td>361 Bash Creek</td>
<td><a href="mailto:mike@redlineports.com">mike@redlineports.com</a></td>
<td></td>
</tr>
<tr>
<td>Chad &amp; Jolene Snyder</td>
<td>106 Beaver Pond Rd.</td>
<td></td>
<td>410-6704</td>
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<td>Mark Swearing</td>
<td>921 Harry Rd</td>
<td>491-381D</td>
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<td>Kevin Zumper</td>
<td>37 Bird Dog Ln</td>
<td>490-1022</td>
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<td>John Tuller</td>
<td>1127 Humming Bird</td>
<td>566-6246</td>
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<tr>
<td>Kris Oraa</td>
<td>388 Standby Creek Rd</td>
<td>498-1576</td>
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<td>John Roest</td>
<td>554 E. Badger Ln</td>
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<tr>
<td>Harri Oraa</td>
<td>574 Standby Cr. Rd</td>
<td>494-8600</td>
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<td>John Roest</td>
<td>574 Standby Cr. Rd</td>
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<tr>
<td>Paul Gahnt</td>
<td>200 Sweet Meadows Rd</td>
<td>565-2105</td>
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<td>Malcolm Gahnt</td>
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<tr>
<td>Melissa Wilcox</td>
<td>569 Cottontail Lane</td>
<td></td>
<td>593-5706</td>
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<tr>
<td>Ed Wilcox</td>
<td></td>
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<td>479-4905</td>
</tr>
<tr>
<td>Holly &amp; Russ Lagerquist</td>
<td>140 Sweet Meadows</td>
<td><a href="mailto:yolager02@yahoo.com">yolager02@yahoo.com</a> 490-9729</td>
<td></td>
</tr>
<tr>
<td>Bonnie Yeo</td>
<td>100 Sweet Meadows</td>
<td><a href="mailto:goingyoyos@yahoo.com">goingyoyos@yahoo.com</a> 494-2713</td>
<td></td>
</tr>
<tr>
<td>Heather Yeo</td>
<td>127 Sweet Meadows</td>
<td><a href="mailto:yoteacher23@gmail.com">yoteacher23@gmail.com</a> 490-6532</td>
<td></td>
</tr>
<tr>
<td>Est Franklin</td>
<td>130 Waldman Park</td>
<td><a href="mailto:scott-franklin@hotmail.com">scott-franklin@hotmail.com</a> 498-9925</td>
<td></td>
</tr>
<tr>
<td>Justin Fortune</td>
<td>96 Liberty Lane</td>
<td></td>
<td>491-3903</td>
</tr>
<tr>
<td>Jay Fortune</td>
<td>3915 Wynne Ave</td>
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The Basin Creek Solar team is committed to involving the public in the development of the proposed solar array. Specifically, we have sought out communication with local landowners. We have taken the time to engage these groups through open houses, 1-on-1 meetings, social media, and traditional media sources.

1. Open Houses

The Basin Creek Solar team hosted two open houses for landowners on 05/11 and 05/18 from 4pm until 7 pm. In order to advertise these open houses, BCS identified landowners within the solar field’s viewshed and sent each a letter with information about the project and the open house. Because some landowners were unable to make the open houses listed, we also offered to hold two more sessions.

The open houses events included an animated viewshed study where landowners are able to visualize the appearance of solar panels from their property. There was also an exhibit on solar panels and the process of solar energy. Basin Creek Solar team members and technical staff were present at both open house events to answer questions and listen to feedback. Additionally, on-the-ground tours of the project were offered for those interested in seeing the site in person. Approximately 30 people attended the first open house, and approximately 40 people attended the second open house.

2. 1-on-1 Meetings with Landowners

The Basin Creek Solar team provided multiple opportunities to landowners to pose questions and concerns about the project to planning and technical staff. In the initial letter to landowners, names and direct contact numbers were provided so that property owners could contact project staff directly. Currently, we have had over 42 conversations with landowners on their property, in office, and over the phone.

3. Media

In an order to garner more wide-spread and public acknowledgement of the proposed project, Basin Creek Solar sought out numerous media sources. Specifically, our team contacted the MT Standard and local KXLF News.
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<td>John Giacomo</td>
<td>650 S Avenue B Lot 99</td>
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<td>BERTOGLIO STORAGE &amp; DISTRIBUTING CO</td>
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<td>Larry Stratford</td>
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<td>Eric Belden</td>
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The following document is a compiled literature search of the studied effects of solar developments on neighboring property values. The literature search examines both small and commercial-scale solar fields across the United States. Four of the five studies found that solar arrays had no measurable effect on adjacent property values. One study found that properties within one mile of a commercial solar farm could see a 1.7% decrease in property value. However, this study occurred two of the most densely populated states in the US, and authors warned against generalizing the trend to other states.


The purpose of this study was to see if existing solar farms have a measurable and consistent impact on adjacent property values. This study looked at the home and property values around five different solar farms across Illinois and Indiana. Based upon their results, the authors concluded that no consistent negative impact has occurred to adjacent property that could be attributed to proximity to the solar farm.


This study looked at the housing and income characteristics of the surrounding large-scale solar projects. The researchers wanted to know if the solar installations would affect nearby property values. To do this, they used both geospatial analysis and a survey of residential property assessors. The results showed that most people perceived a zero or slightly negative change to property values. However, regardless of these perceptions, the researchers showed that relatively few homes are likely to be impacted by a large-scale solar project. The survey also found that home assessors did not adjust home value based on proximity to the solar field.

This document compiled evidence from a number of studies. The group examined property value across the United States near large-scale solar arrays. Their results demonstrate that large-scale solar arrays often have no measurable impact on the value of adjacent properties. Further, the group found that proximity to solar farms does not deter the sales of agricultural or residential land. This is because solar projects have similar characteristics to a greenhouse or single-story residence.


The purpose of this press release was to explain how solar farms impact property values in rural areas. The group compiled a number of studies and concluded that there is a stark difference between perceived and actual risk to home values. The perceived negative effects of solar fields are very common across the United States. These worries stem primarily over disruption to viewshed. In reality, The American Society of Farm Managers and Rural appraisers did not find a negative impact to property values. A property appraiser in North Carolina concluded that in both rural and suburban areas, there is no impact to property value as long as there is at least 100 feet between the solar array and the property and landscaping to hide the panels.


The purpose of this study was to look at the impact of commercial-scale solar operations on adjacent home values in Massachusetts and Rhode Island. The study found that on average, houses sales within one mile of a commercial solar farm decreased by 1.7%. However, the researchers caution against extrapolating these results to other states. Massachusetts and Rhode Island are the 2nd and 3rd most densely populated states in the country, respectively. Therefore, any solar installation is likely to be in a heavily populated area. The researchers note that these negative impacts would likely be negligible in more rural areas with widely available open tracts of land.
1. Airport

**Question:** Will there be any effect on flight pathways?

**Response:** The PV panels proposed for the Basin Creek Project are designed to capture as much sunlight as possible in order to convert it to electricity. They are coated with anti-reflective material that allows light to pass through but not reflect off of the panel. There is little to no impact anticipated to occur for existing flight paths.

Additionally, at the request of the Helena Airport District Office, a Solar Glare Analysis will be completed to take a look at any potential impacts the project may have on flight paths. In addition, a Notice of Proposed Construction or Alteration (Form 7460) was filed with the Federal Aviation Administration requesting a Determination of No Impact for the project.

2. Emergency Access

**Question:** What is the emergency access to the site?

**Response:** While access to the site perimeter will be controlled (gated), the layout of the panels will allow for vehicle access through the site, including emergency vehicles.

Further, the design team is working with a fire and emergency response professional to develop an appropriate pre-plan for emergency response, focusing on but not limited to wildland fire response. The pre-plan will be beneficial as the project developer and design team begins working with Butte-Silver Bow Fire Services Department and Basin Creek VFD. The plan will include details about the site development, access information for emergency response, location of proposed fire breaks and staging locations for fire equipment and emergency responders. The plan is expected to be complete before construction begins.

3. Zoning

**Question:** What is the current zoning of the Gozden-McDermott Property?

**Response:** The site is zoned R4S and R1S.

*On Page 40:*
The R1-S One-Family Suburban Residence Zone is intended to provide for transition of large, sparsely settle areas from rural/agricultural character to one-family residential use.
On Page 46:
Building and Accessory Structure Height Limits in the R1-S Zone:
No building shall exceed two and one-half stories nor 35 feet in height except schools, churches and structures which are part of any use that this title allows by conditional or special use permit from the zoning commission.

4. Signage

**Question:** Will there be signage on the perimeter fence of the Basin Creek Solar facility?

**Response:** No signage is required, but low & medium voltage warning signs will be placed throughout the site’s perimeter fence.

5. Landscaping

Complying with the landscaping requirements as prescribed in code is challenging. Due to the size and of the proposed solar array site, it would be impossible to fully screen the perimeter with landscaping. Further, the addition of a large number of trees around the site would create its own impact on the view. The native terrain of the site is predominantly grasses and is free of trees. It is for these reasons, that we are proposing an alternative plan to enhance the area. The plan includes the creation of an educational point of interest and working with individual property owners immediately adjacent to the site to mitigate view concerns.

- Specific funds have been set aside for landscape screening for adjacent landowners. The Basin Creek Solar Team has drafted a letter of intent for landscape screening to show our dedication to landowners.

- To further show that we are dedicated to working with landowners, the Basin Creek Solar team is implementing feedback in our project design. Per the request of a landowner, the educational pull of described in the Special Use Permit Point 4 will be gated. The gate will be opened from 9 am to 5 pm, daily, and locked the rest of the time. This will prevent the vandalization of the site.
Dear Lori,

Cushing Terrell has received and reviewed the comments from Montana Fish, Wildlife, and Parks. The following responses in blue address these comments.

Wildlife
"This project lies within elk winter range. To minimize the loss of habitat available to wintering elk, we recommend the project area footprint be consolidated to the extent possible while also allowing for the stream and wetland setbacks suggested below. We highly support the proposal to use exclusionary fencing around panels that meets FWP’s A Landowner’s Guide to Wildlife Friendly Fences: How to Build Fence with Wildlife in Mind (FWP, 2012a) to avoid elk and other wildlife from getting inside the perimeter and becoming trapped. We appreciate the thought that has gone into the proposed design to make fences visible yet impermeable to wildlife."

The proposed panel layout has been consolidated to the areas outside of delineated wetland setbacks and fences all panel groupings individually to maintain wildlife movement to the maximum extent possible. The proposed fence detail matches the FWP detail for wildlife fencing.

"A variety of birds are likely to utilize the property. The overall pattern of solar panels combined with reflective surfaces can mimic water bodies creating a “lake effect”, which attracts insects and birds. Injured birds that have collided with solar panels or birds that require water to take-off become stranded in solar farms, making them more susceptible to predation (Kagan et al., National Fish and Wildlife Forensics Laboratory, unpublished report). We understand the applicant is proposing to use newer solar panel technology with a non-reflective surface. FWP biologists can provide input on the design of the solar panels to reduce impacts to birds once site studies have been completed. In addition, post-construction monitoring would provide information on the impacts of the project on birds."

Cushing Terrell will be performing a glare analysis and researching existing solar array sites that are in predominant waterfowl migration corridors. In addition, the panel layout maintains 30 feet in between each row of panels, therefore, reducing the “lake effect” look.

"The application notes there is at least one powerline planned for the project. We recommend reducing the potential for avian and bat collisions and electrocution caused by power lines by following the guidelines in
Reducing Avian Collisions with Power Lines (Avian Power Line Interaction Committee, 2012) and Suggested Practices for Avian Protection on Power Lines (Avian Power Line Interaction Committee, 2006). Ideally, power lines should be buried. Another option is to mark power lines with bird strike diverters.”

The proposed layout will use overhead transmission to avoid boring beneath wetlands. This will likely be in two locations and over relatively short distances. There will be approximately three lines at these locations with no major structures to support the lines.

**Fisheries**

“We commend the applicant for designing placement of the solar panels to avoid Little Basin Creek and associated riparian areas and understand the applicant is in the process of delineating wetlands. We recommend maintaining the vegetated buffer widths and infrastructure setbacks in the Fish and Wildlife Recommendations for Subdivision Development in Montana (FWP, 2012b). For example, we recommend a total setback of 200 feet on each side of a perennial stream measured on a horizontal plane from the ordinary high-water mark. For wetlands, we recommend a total setback of 100 feet measured from the outer edge of the delineated wetland. These science-based recommendations can be applied to this solar project to protect fish and wildlife habitat. We understand the applicant will obtain a stormwater permit from the Montana Department of Environmental Quality, which will minimize impacts from any changes in drainage on water quality.”

The proposed layout respects all setbacks from wetlands and perennial streams. In addition, the project will obtain and uphold a SWPPP from the Montana Department of Environmental Quality.

Sincerely,

Nicole Olmstead

Nicole Olmstead
Land Planner | Project Manager
June 9, 2021

Butte-Silver Bow Planning Department
Attn: Lori Casey, Planning Director; Dave Wing, Chairman, Zoning Board of Adjustments
155 West Granite Street
Butte, MT 59701

Dear Ms. Casey and Mr. Wing,

Please accept this letter in support of the Basin Creek Solar Project application for a Special Use Permit. This permit is imperative for the project sponsors to move forward with the development of up to 1,600 acres of the Gozden-McDermott property into a utility-scale solar generation field. The BLDC board met on May 27 and voted unanimously to support this important project’s application. Our board is comprised of individuals who represent many of our community’s largest employers and vital stakeholders. All of whom were present at the meeting felt that the Basin Creek Solar project is an exciting economic development opportunity on which Butte cannot afford to miss out.

BLDC is the primary economic development organization for Butte-Silver Bow with a mission to grow our area’s employment opportunities, increase Butte’s population and tax base and to assist our existing businesses to grow and compete in a global economy. The proposed Basin Creek Solar project and what it can provide to our community and economy fulfills all these priorities.

The direct investment of the solar project (~$250 Million), number of union-scale construction jobs during the two-year development timeframe (150 jobs), permanent high-paying solar jobs after completion (up to 10 jobs) and the significant increases in property taxes accruing from the development would all be very positive impacts for Butte’s economy.

Even more exciting to BLDC are the indirect benefits projected from the Atlas Power datacenter’s expansion and transition to high performance computing (HPC), made possible by development of the solar array. These benefits include an additional ~$150 Million in investment, 100+ union-scale jobs during construction, 30 to 35 permanent, high-tech jobs and a substantial increase in tax revenues to the county and South Butte Targeted Economic Development District (TEDD). Further, the prospective opportunity of attracting additional...
companies and jobs in the technology sector due to establishing Butte as an HPC and green energy hub is exciting and beneficial as well.

As it relates to the land use decision and special use permit, a large portion of the proposed solar facility is adjacent to the South Butte TEDD (zoned industrial), one of only a few areas in Butte specifically targeted for economic development. We believe the proposed solar project fully conforms with Butte-Silver Bow’s comprehensive growth plan and is more consistent with the surrounding economic development activity in this area (industrial) than the prevailing R1-S and R4 zoning. And again, because of its direct proximity and proposed tie-in location to the electrical grid, there is simply no other place at this time where the Basin Creek Solar facility can be constructed to serve the datacenter’s future plans.

We are proud to support the Basin Creek Solar application and appreciate the consideration of our input in reaching an appropriate decision. Please let us know if we can answer any questions that you may have.

Thanks,

Joe Willauer
My name is Mason Leiber. As I am 15 years old, I grew up running around our fields enjoying the beautiful site of the lady of the oaks and all of the surrounding mountains. I hope you take this to consideration because this will change the landscape and ecosystem feel like this is a very bad idea to push this solar farm. Everyone living on our ad has worked very hard to keep their homes and property special as possible.

I would love to live in Butte the rest of my life and start my own family here. Please don't ruin Butte for all generations.

Mason Leiber

Say NO to changing zoning. Please.
I know everybody right now is team yes and team NO. It is all the adults but some kids play out their, watch the animals, enjoy the view. I would love for you to take this into consideration because this will very much effect Butte. Yes, yes, green energy is important but you don't need to ruin the landscape, ruin people's views, and animal habit. Have you even realized how big this is and why it is going to effect people even me who loves looking at animals and the view.

Sincerely,
Sage Leber
Butte–Silver Bow Zoning Board Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W. Granite Street  
Butte, MT 59701

June 9, 2021

To Whom It May Concern:

We are writing this letter in opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This proposal is seeking to add a 1600 acre, 700,000 panel solar array to south Butte, and thus requests an exception to the current zoning of R1–S (single family suburban residential) to accommodate this industrial use.

We are not opposed to the use of solar in the appropriate area but we are very opposed to this location. There will be a negative impact to our ecosystem and that is something that cannot be replaced. Part of the reason that we have chosen to live in the country is the scenery. We love our view of the land, wildlife, and community. That land is home to many birds, elk, deer, fox, antelope, owls, and more amazing animals. We have included just a few of the pictures of the animals that we have taken over the years, we have many more if you would like. We want to be able to enjoy these animals for years to come. This is our forever home and we want it to be the wildlife’s safe home as well.

This solar farm just simply doesn’t fit into our neighborhood and will not have a positive effect on our community. We have also learned that property values will likely decrease. It isn’t going to make a big impact on employment for our citizens. The soil is forever destroyed. The citizens of Butte will not receive any credit on our energy bills. We are also concerned about where these panels are coming from and what will happen to them when their life-cycle is over. These are just a few of our concerns.

We respectfully ask that the Butte–Silver Bow Zoning Board oppose the proposed special and/or conditional use permit of the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Mike Callahan  
Kristel Callahan  
384 Cottontail Lane, Butte, MT
To: Butte-Silver Bow Zoning Board of Adjustment

In 2002 my wife and I moved to Butte, MT to start our healthcare careers and our Rocky Mountain dream. It is difficult for me to describe, but the sense of family, pride and caring that exists, in the people of Butte, is why we will always call it home. Butte has endured a great deal of adversity throughout its history and has the scars and superfund sites to show for it. Changing the current zoning designation of historically agriculture and residential areas, to benefit only a few individuals who are nonresidents, seems unreasonable. The Butte Valley will never be the same as a result of past mistakes that should never be repeated. With that in mind I hope for the sake of Butte and all of our families you have a cautious and thoughtful approach to the proposed utility-scale solar farm proposed in our valley.

These panels would cover almost 1.7 miles wide and 2.8 miles from top to bottom. The magnitude of this utility-scale solar farm would create a profound scar on our valley that is over three times the size of our current superfund site (Berkley Pit). The proposed fencing surrounding solar farm, combined with screening effect by the 12 foot tall solar panels would result in substantial change in this property and detrimental on neighboring properties. From my families property 'Our Lady of the Rockies' and portion of the East Ridge would be completely blocked from our view. The proposed Utility-Scale Solar Farm is completely and obviously non-compatible with its adjacent landscape and properties.

My wife and I have 2 children ages 15 and 11, as with your families, their safety is our top priority. We live on Little Basin Creek rd. that is a very windy and narrow road that has numerous blind spots and hills. Heavy equipment, construction vehicles and high volume traffic for the utility-scale solar farm will create tremendous public safety risks, which are unacceptable. They will soon be learning to drive and the last thing I want to do is treat my child while at work in the Emergency Department, because of this solar farm.

In reviewing the top 5 largest solar farms in the US, this solar farm would be located the closest to any community in the United States. The average distance from a community of these utility-scale solar farms is 20.5 miles. If you add up the population of all 5 of these communities, the total number of people is 8,112. Atlas Power plans to build 6.4 miles from Butte’s estimated 33,964 residents. Based upon locations of existing utility-scale solar farms, this is not a socially acceptable distance, from a community. Considering existing mine and superfund site Butte is not the appropriate place for another scar. Our community does not need to shoulder the burden for a select few, again.

Alternative energy is important for our planets future, which I support, but utility-scale solar farms of this size are not located in highly populated areas. Construction of a project of this scale will have expected nuisances of noise/air pollution and long-term health risks have yet to be determined. Air quality will be a significant health risk, especially during wildfire season. The excavation & construction will result in excessive exhaust and dust, with Margaret Leary and Hillcrest Elementary schools being downwind. Residents of Butte are all too familiar with these risks due to mistakes that have been made in the past. Looking forward to the future, why would we repeat this cycle?
My wife and I purchased our home and property because of the undisturbed natural beauty of the landscape and scenic views. These qualities of the south aspect of the Butte valley are priceless and for the sake of future generations should be protected. We also trusted that the zoning of our area would not be for sale. Rezoning of this property and the solar farm created, would be inconsistent with current topography, landscape and vegetation. This development would be an obvious substantial change in its current land usage and intent.

Butte is well known for being ‘Butte tough” and “Butte taking Care of Butte”. It’s time to think about the future of our families, friends and our valley. Their potential is limitless, but only if we are tough and take care of Butte. This approach will benefit all of its residents.

I appreciate your time and service to our community as members of the zoning board. Please be cautious and thoughtful in your decision.

Respectfully,

Eric C. Leber
540 Little Basin Creek Rd
Butte MT
May 24, 2021

Zoning Board of Adjustment

155 W. Granite
Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately West of Butte.

It is my understanding and knowledge that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will mainly benefit Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. It is also my understanding that the remaining power will be put on the grid. This power is up for bid that could be sold on the open market to out of state interests and may not benefit the Butte community. Currently, according to the Montana Standard Article of 3/28/21, by David McCumber, every one of Atlas Power’s thousands of Graphics Processing Units are mining Ethereum. As thousands more GPUS are added to the planned expansion, Kevin Washington may become the largest miner of Ethereum in the world. Unfortunately, this does not translate into thousands of high paying technology jobs, nor even dozens. The few workers that are required simply monitor the servers. The benefit of the planned expansion to Butte has not yet been demonstrated, other than the promises of high performance computing, or a programming academy.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost. It is always a tragedy when business moves into a town & rural areas with so called eco-friendly promises of riches and good stewardship.

I implore the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]

Name Scott Espelin
Address 833 Hummingbird Lane Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite St  
Butte, MT 59701  

June 9, 2021  

To Whom it may Concern  

I am writing this letter in opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This project is affiliated with Atlas Power on the Gozden-Mcdermott Cattle Ranch Company. **This project will consume 1,600 acres (2 ½ square miles between Basin Creek and Little Basin Creek) on which 700,000 (SEVEN HUNDRED THOUSAND) solar panels will be installed.**  

This is not a green energy project but a **BLACK ENERGY PROJECT.** This area is currently zoned as rural agricultural to urban one-family residence use. If zoning is changed to allow 700,000 solar panels, then all the residents who live out here will have their view changed to a sea of black which will make them and myself extremely unhappy. Why should our quality of life be ruined to enrich Mat Vincent and the Madison River Equity investors?  

I live on the east side of Little Basin Creek directly west of the BITCOIN plant. I am a retired Electrical Engineer and have owned several Motorhomes with solar panels and Inverters. When the Inverters are on line and under electrical load, they emit vibrating humming noises. These large solar Inverters will create constant noise pollution during the day light hours.  

In order to re-zone this area, there must be a compelling **public necessity** per BSBMC 17.52.010. This project does not meet that standard. It is a private venture to enrich Madison River Equity Investors at the expense of property values, wildlife habitat, and ecological diversity. It will have adverse effects including complete ecological destruction of the area.  

This project has not demonstrated that it will have long term positive effects on Butte Silver Bow community. Only eight permanent maintenance jobs are projected to be the outcome of this development. The expansion of the Bitcoin data center will continue to thrive on its own as it has since its inception. There will be no hundreds of millions of dollars and high-paying technology jobs coming to Butte.  

Please take a ride out to Basin creek Rd and Little Basin creek Rd and see for yourselves what we will be looking at every day of our lives and how our quality of life will be ruined if you approve this monumental project. **Please leave the zoning as is.** I have nothing against looking at urban one-family residences.  

John Roesti  
554 E. BADGER LN  
BUTTE, MT
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite St  
Butte, MT 59701  

June 9, 2021  
To Whom It Might Concern:

I oppose the Basin Creek Solar Farm for a variety of reasons:

1. I moved from town to Little Basin Creek for the view, personal space, peace and quiet, and the love of animals and wildlife. This past winter, I had 18 elk bed-down in the front pasture. I also had fox, red tail hawk, porcupine, moose, antelope, plus an occasional cow come to visit. I’m afraid this will end and endanger the wildlife.

2. I have physical health, mental health, and quality of life concerns due to the annoying continuous noise, such a humming and vibration sounds from the inverters. Will we be able to relax on the deck and listen to the birds, or hear a buzzing sound from the inverters. Will these 700,000 panels and whatever goes with them interfere with our cell, satellite tv, and internet service? There are many questions that must be answered by someone other than those involved with Atlas Energy.

3. My husband and I were staying in a RV park in Lancaster, California. They had installed a huge solar field with all the ‘pie in the sky’ promises like we’re hearing here. The heat from the panels killed the grasses, leaving bare ground underneath and around the solar panels. When the wind blew the loose dirt, it caused a dust/sand storm, closing HWY 14, Lancaster to Bakersfield, CA. I could not drive back to the rv due to zero visibility and with the high winds, it felt like I was being sandblasted. It was scary. From what I understood from many of the residents, the promises were only to get the project completed and then, who cares!!!!

4. I also don’t understand how this will be a positive for Butte. The extra power will go on the grid (don’t know how), and then sold out of state. What happens when the sun doesn’t shine, snows for several days in a row, hails or the panels are dirty? I was told at the meeting there would be about 5 or so new jobs created for maintenance. Whom are the Madison Valley Equity investors? I would like to know their names, where they are from, and the businesses they represent. Their website is quite vague.

5. There are some shady people involved in this project, and are in it for the money and the heck with what happens to Butte. How many times does Butte have to be taken advantage of? In the words of Elon Musk, “these solar farms are a wasteful, environmentally harmful means of using energy.” Yes, this is 2½ sq miles, 700,000 panels, and 1,600 acres, of prime land at the south end of Butte. Boy o Boy, property values will plummet!

6. I’ve heard friends who’ve been promised a new, improved road to their home, with trees, etc. I was personally asked if trees would make me change my mind. These trees
would have to be 100 ft tall! To me this is bribery and these people will say anything to get their way.

In closing, I am hoping no person on the panel has been promised jobs, money, or some other "perk" that would cause them vote in favor of this project. I also would like to ask the board one final question. "Deep down could you look each one of us in the eye and say you would want this in your front yard and be happy sitting on your deck with this ugly, noisy and black glass view?" In my opinion, I feel this project will make lots of money for a few and leave a forever blight for the rest of Butte. Just think, the first sight of Butte, coming down Homestake would be a black sea of solar panels, rather than rolling hills, native grasses and our rural pastoral setting.

Thank you for your time, and please keep the zoning residential for the mental health of the affected residents!!!!

Sandi Roesti
554 E. Badger Ln
Butte
Zoning Board of Adjustment  
County Planning Department  
155 W. Granite  
Butte Silver Bow County  
Butte, Mt 59701

Members,

I live at 620 Little Basin Creek Rd in Butte. I strongly oppose this proposed change in zoning for Basin Creek Solar Project. I call attention to the mission statement of the Planning Board, “The mission of the Butte-Silver Bow Planning Department, under the direction of the Planning Board, is to sustain and improve the health, safety, convenience and welfare of the citizens of Butte-Silver Bow and to plan for the future development of the community.” This project fails that mission statement. It will only enrich the pockets several non-residents of our city.

The effects of a large solar farm in the ‘center of Butte’ will not only be an eyesore, but may have health effects for citizens living near it. This farm will put out EMI (electromagnetical interference). No one knows the or has explained the health effects living next to one of these farms. Most of these farms are located away from populations and are not as large. It is noted that residents living on the western side of this farm may lose internet and cell service due to EMI.

As a volunteer for set up and take down of the Montana Folk Festival I usually work thru the festival doing whatever is needed for Operations. I was always amazed at how many visitors from outside of Butte comment on how lucky I am to live here with this beautiful view. This would change that view. Many visitors would leave. Many residents who presently have this wonderful view of the valley would leave. I would be one.

I am always in awe of the beautiful view coming off of Homestake Pass, be it winter white or spring green. I do not want to look at an a second enormous black hole (pit) in the center of Butte. I believe this will turn off visitors and possible new residents of a desire to move here. Aren’t we just being discovered now? Today only 32 homes are for sale in Butte. I don’t ever remember a number that low.

Before Covid I was a volunteer usher for the Mother Lode Theater. When driving home at night, to many times to count, I would have to pull over on Little Basin Creek to let the 80 to 120 elk jump over the fences. The herd heads directly to the property that the solar farm would occupy. The elk winter in that sheltered valley where this farm would go. I have seen many other forms of wild life. We have a pair of Golden Eagles flying over that area now. I have seen Badgers crossing the road heading to the creek area. I had one in my hay shed once. Not an animal I want to mess with. Badgers are a protected species. This project requires miles of underground electrical cable. This cable would interfere with badger habitat by destroying the rodent population.

Have we learned anything from the past mining problems Butte has had? The
clean up of Butte is still going on. Who will clean up this mess when the 20 to 25 years of the life of this farm is over. Are they posting a 10 or 20 million dollar bond?

I have a concern of this farm being so close to an airport. The heated air effect reflected would cause mirage issues for aircraft, and may affect their instrumentation due to the EMI. Internet information on the temperatures of these farms is sketchy. 3 to 30 degrees hotter than the ambient temperatures are listed on the panels. I tend to believe 20 to 30 degrees would be the average. Park a black car on an 85 degree sunny day in Butte. Touch it. It will burn your hand. Hot air rises. This could have a disastrous effect on lift for an aircraft trying to land. Buttes airport is already a difficult airport to land in because of the mountains, and the mountain air currents.

Neighbors have commented on a heat island effect with a solar farm. This effect would worsen rainfall in Butte. I believe it would change Buttes weather for the worse.

What if a lightning strike occurs. My house has been struck by lightning twice, it was listed in the Montana Standard as fire department was called. I am a retired Volunteer firefighter and I believe this farm would be a nightmare to fight a fire. The chemicals in these panels are very hazardous, and I dread thinking of one of our hail storms hitting these panels. I lost my roof, neighbors lost windows, windshields, and a horse got knocked out after the golf ball storm we had years ago.

The worst part of this is that these panels are made cheaply in China, which primarily uses slave Muslim labor to manufacture them.

Please do not vote for a zoning change.

Thank you for your attention,

David Duesterbeck (Duster)
620 Little Basin Creek Rd
Butte, Mt 59701
Dear Zoning Board Member,

We recently purchased (effective 05/06/21) the home at 275 Hummingbird Lane, in the South Butte residential area. Just 2 weeks later (05/23/21) The Montana Standard published an article about the “Basin Creek Solar Project” proposed on 1600 acres of John McDermott’s ranch land that abuts our new property. Upon learning of the project’s massive size and scope, panic set in and we immediately began researching its potential impacts.

We are brand new Montana residents, having both grown up in Western Washington just north of Seattle. We had been called to the wide-open spaces of Montana for years, but the recent radical political climate around Seattle forced us to leave our home and realize our dream. We selected the home on Hummingbird largely because of the expansive prairie land surrounding us, home to elk and pronghorn herds, and the spectacular views of the Continental Divide. We could not wait to watch them and send pictures to our family back on the coast. How utterly devastated we were to learn of the proposed blight on this beautiful prairie and the obvious negative impact on the value and desirability of our new home.

Where to begin? First, we also support renewable “green” energy under the right circumstances. However, “green” energy has many costs that are often overlooked. While solar power seems wonderful as a concept, it brings many massive environmental concerns, especially in this location. The most troubling issue for us is the potential damage to Little Basin Creek, which runs right through the middle of this proposed project. Our research quickly revealed how toxic chemicals leach into the ground due to a variety of causes, including panels damaged by hail and natural disasters, improper disposal of wastewater created both in the manufacturing process and after periodic required cleaning, and worst of all, careless dumping of obsolete panels into landfills (or worse).

Solar panels have a current life expectancy of 20 years if not subjected to wild fluctuations in temperature. In Butte’s climate these panels will more likely only last 10-12 years. Because recycling the parts is very labor intensive and expensive due to the toxic chemicals inside, most companies pile their tons of plastic debris that will never break down into landfills. They often truck the debris to other areas and would need to in a city the size of Butte. This also increases the carbon footprint of this “green” energy. Most companies are not held responsible for cleanup 10-20 years after installation and many of those companies have changed hands or gone bankrupt by then anyway, passing the financial and ecological burden onto government and taxpayers (see Forbes “If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?”)

The current solar panel manufacturing process should also be considered as the 7 largest solar panel manufacturers are based in China, more specifically as Politico recently reported, “most photovoltaic cells originate in the region that has gained worldwide infamy for Chinese government violations of Uyghurs’ human rights...companies and families eager to do their part for the environment are realizing that their solar panels may be the fruit of forced labor.”

Equally concerning is China’s well-documented disregard for environmental protections, devastatingly summarized by this quote from “The True Cost of Chinese Solar Panels” in
Alliance for American Manufacturing: “Artificially cheap Chinese solar panels are seized upon in the American market as an opportunity to widely deploy and install solar across the U.S. in a push for renewable energy. But these solar panels are clearly produced at the expense of workers, communities, and the environment. The result? In an attempt to decrease our dependency on carbon intensive energy, the U.S. has offshored pollution and the burdens that come with it to communities in China, who do not have the same liberties as U.S. citizens do to organize and demand enforcement, let alone creation, of public environmental protections. Is this the path to a less carbon-intensive future that America should endorse and build upon?”

Closer to home we have been watching and listening, with keen interest, to the evolving Superfund restoration project related to Butte’s historic mining. Wouldn’t it be sadly ironic to lay the groundwork for a future Superfund project after introducing lead, cadmium and other toxins (also referenced in the same Forbes article noted above) into this pristine creek and prairie? Lead poisoning causes kidney, nervous system, and brain damage, to name a few and affects children at a higher rate because their immune systems are weaker. Cadmium builds up in the kidneys and can lead to kidney failure. It is also a known carcinogen.

A solar farm of this size would also clearly affect wildlife, as aside from the proposed small green strip adjacent to the creek, the resident elk and pronghorn populations would be effectively cut off from freely moving in a north/south direction. They may have narrow “walkways” between panels, but no real grazing space. Historical wildlife corridors would be obliterated.

Part of the solar farm proposal mentioned being the second largest farm in the US. Why would Butte need to have the second largest farm in the US? What are the environmental and public health costs of this distinction? It is common knowledge that solar arrays and farms should be installed close to where they will be used. The proposed farm is three times the size needed to power Butte. Do we need to take on the toxins and future thousands of tons of debris to power other cities that are many miles away?

Further, this is a residential area that would need to be reclassified as light industrial. Why? When people buy homes in a clearly residential, rural area, there is never the fear of having some type of industrial complex built right next door. Some people choose a more urban location, where industry coexists with residency. Certainly, there must be an already industrially zoned spot that would better house a project such as this. A site where the land has already been disturbed and ecosystems long ago abandoned. Why destroy and contaminate an unblemished and ever-shrinking habitat?

Whenever we cross over into Montana, refrains from the songs “Home on the Range” and “America the Beautiful” pop into our heads. We have looked forward to embracing those intangible, glorious gifts. Big sky. Wide open spaces. Prairies where “the deer and the antelope play” and the “purple mountain majesties” surround us. Butte has it all. Everything not found in the crowded, polluted and often ugly big cities. Solar farms are a visual blight, resembling massive swaths of pavement, like runways at large airports.
Below is a photo of an Australian solar farm generating 300MW, the same output as the proposed Basin Creek Project:

Our new home (shown near the bottom of this photo) faces Our Lady of the Rockies, directly above this proposed 1600 acre black hole:
In this final photo, our new home is highlighted at the southern edge of the proposed solar farm:

As much as our property will be impacted, imagine those neighbors that would be at the same level as the reportedly 12-foot high panels on the north end of this project? Seems horribly unfair for a variety of reasons, not the least is the impact on all the surrounding neighbors’ property values through no fault of their own. Does Mr. McDermott propose to commission a study of how much value will be lost and compensate the surrounding owners accordingly?

*The Montana Standard* article also stated Mr. McDermott “doesn’t mind the look of solar...‘It’s clean energy. It’s kind of the future.’” Perhaps he is simply unaware of just how “unclean” solar energy truly is when considered in its totality. We are fierce supporters and defenders of private property rights and believe Mr. McDermott has a right to use his ranch as he sees fit within reasonably accepted environmental and zoning guidelines. However, no private property owner has an unfettered right to infringe upon any other property owner’s right to enjoy their property.

We believe all the neighbors support clean energy, as do we. Many homeowners install panels on their roofs or in their yards – enough to power their homes with minimal environmental impact. Solar energy is still in its infancy and is currently a space hog (clearly demonstrated by the Australian photo above and the developers’ own map.)
Before a 1600-acre black plastic blanket is slapped onto this precious creek-fed prairie in a solely residential area, maybe some better alternatives should be considered.

We are encouraged by the Board’s recent rejection of a similarly out-of-place 5-acre battery farm (over 300 times SMALLER than the Basin Creek proposal) that was proposed in the Blacktail Canyon residential area of Butte closer to I-90.

Thank you very much for your time and consideration.

Sincerely,

Holly and Keith Brown

CC: Sylvia Cunningham, Garrett Craig, Loren Burmeister, Julie Jaksha, Tyler Shaffer, David Wing, Todd Collins, The Montana Standard

Enclosures: (3)

Shellenberger, Michael “If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?”, May 23, 2018, Forbes


Braw, Elisabeth “When Clean Energy is Powered by Dirty Labor”, April 12, 2021, American Enterprise Institute
If Solar Panels Are So Clean, Why Do They Produce So Much Toxic Waste?

Michael Shellenberger Contributor ©
I write about energy and the environment.

This article is more than 3 years old.

Para la traducción al español, haga clic aquí

Klik hier voor de Nederlandse versie

The last few years have seen growing concern over what happens to solar panels at the end of their life. Consider the following statements:

- The problem of solar panel disposal “will explode with full force in two or three decades and wreck the environment” because it “is a huge amount of waste and they are not easy to recycle.”

- “The reality is that there is a problem now, and it’s only going to get larger, expanding as rapidly as the PV industry expanded 10 years ago.”

- “Contrary to previous assumptions, pollutants such as lead or carcinogenic cadmium can be almost completely washed out of the fragments of solar modules over a period of several months, for example by rainwater.”

Were these statements made by the right-wing Heritage Foundation? Koch-funded global warming deniers? The editorial board of the Wall Street Journal?

None of the above. Rather, the quotes come from a senior Chinese solar official, a 40-year veteran of the U.S. solar industry, and research scientists with the German Stuttgart Institute for Photovoltaics.
With few environmental journalists willing to report on much of anything other than the
good news about renewables, it's been left to environmental scientists and solar industry
leaders to raise the alarm.

"I've been working in solar since 1976 and that's part of my guilt," the veteran solar
developer told Solar Power World last year. "I've been involved with millions of solar
panels going into the field, and now they're getting old."

The Trouble With Solar Waste

The International Renewable Energy Agency (IRENA) in 2016 estimated there was about
250,000 metric tonnes of solar panel waste in the world at the end of that year. IRENA
projected that this amount could reach 78 million metric tonnes by 2050.

Solar panels often contain lead, cadmium, and other toxic chemicals that cannot be
removed without breaking apart the entire panel. "Approximately 90% of most PV
modules are made up of glass," notes San Jose State environmental studies professor
Dustin Mulvaney. "However, this glass cannot be recycled as float glass due to
impurities. Common problematic impurities in glass include plastics, lead, cadmium and
antimony."

Researchers with the Electric Power Research Institute (EPRI) undertook a study for U.S.
solar-owning utilities to plan for end-of-life and concluded that solar panel "disposal in
"regular landfills [is] not recommended in case modules break and toxic materials leach
into the soil" and so "disposal is potentially a major issue."

California is in the process of determining how to divert solar panels from landfills, which
is where they currently go, at the end of their life.

California's Department of Toxic Substances Control (DTSC), which is implementing the
new regulations, held a meeting last August with solar and waste industry representatives
to discuss how to deal with the issue of solar waste. At the meeting, the representatives
from industry and DTSC all acknowledged how difficult it would be to test to determine
whether a solar panel being removed would be classified as hazardous waste or not.

The DTSC described building a database where solar panels and their toxicity could be
tracked by their model numbers, but it's not clear DTSC will do this.

"The theory behind the regulations is to make [disposal] less burdensome," explained
Rick Brausch of DTSC. "Putting it as universal waste eliminates the testing requirement."

The fact that cadmium can be washed out of solar modules by rainwater is increasingly a
concern for local environmentalists like the Concerned Citizens of Fawn Lake in Virginia,
where a 6,350 acre solar farm to partly power Microsoft data centers is being proposed.

"We estimate there are 100,000 pounds of cadmium contained in the 1.8 million panels,"
Sean Fogarty of the group told me. "Leaching from broken panels damaged during
natural events — hail storms, tornados, hurricanes, earthquakes, etc. — and at
decommissioning is a big concern."
There is real-world precedent for this concern. A tornado in 2015 broke 200,000 solar modules at southern California solar farm Desert Sunlight.

"Any modules that were broken into small bits of glass had to be swept from the ground," Mulvaney explained, "so lots of rocks and dirt got mixed in that would not work in recycling plants that are designed to take modules. These were the cadmium-based modules that failed [hazardous] waste tests, so were treated at a [hazardous] waste facility. But about 70 percent of the modules were actually sent to recycling, and the recycled metals are in new panels today."

And when Hurricane Maria hit Puerto Rico last September, the nation's second largest solar farm, responsible for 40 percent of the island's solar energy, lost a majority of its panels.

Many experts urge mandatory recycling. The main finding promoted by IRENA's in its 2016 report was that, "If fully injected back into the economy, the value of the recovered material [from used solar panels] could exceed USD 15 billion by 2050."

But IRENA's study did not compare the value of recovered material to the cost of new materials and admitted that "Recent studies agree that PV material availability is not a major concern in the near term, but critical materials might impose limitations in the long term."

They might, but today recycling costs more than the economic value of the materials recovered, which is why most solar panels end up in landfills. "The absence of valuable metals/materials produces economic losses," wrote a team of scientists in the International Journal of Photoenergy in their study of solar panel recycling last year, and "Results are coherent with the literature."

Chinese and Japanese experts agree. "If a recycling plant carries out every step by the book," a Chinese expert told The South China Morning Post, "their products can end up being more expensive than new raw materials."

Toshiba Environmental Solutions told Nikkei Asian Review last year that,
Low demand for scrap and the high cost of employing workers to disassemble the aluminum frames and other components will make it difficult to create a profitable business unless recycling companies can charge several times more than the target set by [Japan’s environment ministry].

Can Solar Producers Take Responsibility?

In 2012, First Solar stopped putting a share of its revenues into a fund for long-term waste management. "Customers have the option to use our services when the panels get to the end of life stage," a spokesperson told Solar Power World. "We’ll do the recycling, and they’ll pay the price at that time."

Or they won’t. "Either it becomes economical or it gets mandated," said EPRI’s Cara Libby. "But I’ve heard that it will have to be mandated because it won’t ever be economical."

Last July, Washington became the first U.S. state to require manufacturers selling solar panels to have a plan to recycle. But the legislature did not require manufacturers to pay a fee for disposal. "Washington-based solar panel manufacturer Itel Energy assisted with the bill’s writing," noted Solar Power World.

The problem with putting the responsibility for recycling or long-term storage of solar panels on manufacturers, says the insurance actuary Milliman, is that it increases the risk of more financial failures like the kinds that afflicted the solar industry over the last decade.

Any mechanism that finances the cost of recycling PV modules with current revenues is not sustainable. This method raises the possibility of bankruptcy down the road by shifting today’s greater burden of 'caused' costs into the future. When growth levels off then PV producers would face rapidly increasing recycling costs as a percentage of revenues.


The result of such bankruptcies is that the cost of managing or recycling PV waste will be born by the public. "In the event of company bankruptcies, PV module producers would no longer contribute to the recycling cost of their products," notes Milliman, "leaving governments to decide how to deal with cleanup."

Governments of poor and developing nations are often not equipped to deal with an influx of toxic solar waste, experts say. German researchers at the Stuttgart Institute for Photovoltaics warned that poor and developing nations are at higher risk of suffering the consequences.
Dangers and hazards of toxins in photovoltaic modules appear particularly large in countries where there are no orderly waste management systems... Especially in less developed countries in the so-called global south, which are particularly predestined for the use of photovoltaics because of the high solar radiation, it seems highly problematic to use modules that contain pollutants.

The attitude of some solar recyclers in China appears to feed this concern. "A sales manager of a solar power recycling company," the South China Morning News reported, "believes there could be a way to dispose of China's solar junk, nonetheless."

“We can sell them to Middle East... Our customers there make it very clear that they don’t want perfect or brand new panels. They just want them cheap... There, there is lots of land to install a large amount of panels to make up for their low performance. Everyone is happy with the result."

In other words, there are firms that may advertise themselves as "solar panel recyclers" but instead sell panels to a secondary markets in nations with less developed waste disposal systems. In the past, communities living near electronic waste dumps in Ghana, Nigeria, Vietnam, Bangladesh, Pakistan, and India have been primary e-waste destinations.

According to a 2015 United Nations Environment Program (UNEP) report, somewhere between 60 and 90 percent of electronic waste is illegally traded and dumped in poor nations. Writes UNEP:

[T]housands of tonnes of e-waste are falsely declared as second-hand goods and exported from developed to developing countries, including waste batteries falsely described as plastic or mixed metal scrap, and cathode ray tubes and computer monitors declared as metal scrap.
Unlike other forms of imported e-waste, used solar panels can enter nations legally before eventually entering e-waste streams. As the United Nation Environment Program notes, "loopholes in the current Waste Electrical and Electronic Equipment (WEEE) Directives allow the export of e-waste from developed to developing countries (70% of the collected WEEE ends up in unreported and largely unknown destinations)."

A Path Forward on Solar Panel Waste

Perhaps the biggest problem with solar panel waste is that there is so much of it, and that’s not going to change any time soon, for a basic physical reason: sunlight is dilute and diffuse and thus require large collectors to capture and convert the sun’s rays into electricity. Those large surface areas, in turn, require an order of magnitude more in materials – whether today’s toxic combination of glass, heavy metals, and rare earth elements, or some new material in the future – than other energy sources.

Materials throughput by type of energy source

All of that waste creates a large quantity of material to track, which in turn requires requires coordinated, overlapping, and different responses at the international, national, state, and local levels.

The local level is where action to dispose of electronic and toxic waste takes place, often under state mandates. In the past, differing state laws have motivated the U.S. Congress to put in place national regulations. Industry often prefers to comply with a single national standard rather than multiple different state standards. And as the problem of the secondary market for solar shows, ultimately there needs to be some kind of international regulation.

The first step is a fee on solar panel purchases to make sure that the cost of safely removing, recycling or storing solar panel waste is internalized into the price of solar panels and not externalized onto future taxpayers. An obvious solution would be to
impose a new fee on solar panels that would go into a federal disposal and
decommissioning fund. The funds would then, in the future, be dispensed to state and
local governments to pay for the removal and recycling or long-term storage of solar panel
waste. The advantage of this fund over extended producer responsibility is that it would
insure that solar panels are safely decommissioned, recycled, or stored over the long-
term, even after solar manufacturers go bankrupt.

Second, the federal government should encourage citizen enforcement of laws to
decommission, store, or recycle solar panels so that they do not end up in landfills.
Currently, citizens have the right to file lawsuits against government agencies and
corporations to force them to abide by various environmental laws, including ones that
protect the public from toxic waste. Solar should be no different. Given the decentralized
nature of solar energy production, and lack of technical expertise at the local level, it is
especially important that the whole society be involved in protecting itself from exposure
to dangerous toxins.

“We have a County and State approval process over the next couple months,” Fogarty of
Concerned Citizens of Fawn Lake told me, “but it has become clear that local authorities
have very little technical breadth to analyze the impacts of such a massive solar power
plant.”

Lack of technical expertise can be a problem when solar developers like Sustainable
Power Group, or sPower, incorrectly claim that the cadmium in its panels is not water
soluble. That claim has been contradicted by the previously-mentioned Stuttgart research
scientists who found cadmium from solar panels “can be almost completely washed
out...over a period of several months...by rainwater.”

Third, the United Nations Environment Programme’s Global Partnership for Waste
Management, as part of its International Environmental Partnership Center, should
more strictly monitor e-waste shipments and encourage nations importing used solar
panels into secondary markets to impose a fee to cover the cost of recycling or long-term
management. Such a recycling and waste management fund could help nations address
their other e-waste problems while supporting the development of a new, high-tech
industry in recycling solar panels.

None of this will come quickly, or easily, and some solar industry executives will resist
internalizing the cost of safely storing, or recycling, solar panel waste, perhaps for
understandable reasons. They will rightly note that there are other kinds of electronic
waste in the world. But it is notable that some new forms of electronic waste, namely
smartphones like the iPhone, have in many cases replaced things like stereo systems, GPS
devices, and alarm clocks and thus reduced their contribution to the e-waste stream. And
no other electronics industry makes being “clean” its main selling point.

Wise solar industry leaders can learn from the past and be proactive in seeking stricter
regulation in accordance with growing scientific evidence that solar panels pose a risk of
toxic chemical contamination. “If waste issues are not preemptively addressed,” warns
Mulvaney, “the industry risks repeating the disastrous environmental mistakes of the
electronics industry.”
If the industry responds with foresight, Mulvaney notes, it could end up sparking clean innovation including “developing PV modules without hazardous inputs and recycled rare metals.” And that’s something everyone can get powered up about.

Michael Shellenberger

Michael Shellenberger is the best-selling author of *Apocalypse Never: Why Environmental Alarmism Hurts Us All* (Harper Collins), a Time Magazine “Hero of the Environment.”... Read More
The True Cost of Chinese Solar Panels: Part 2

By Brian Lombardozzi

Examining the inputs in China’s soaring solar industry.

The second in a series of blog posts about the Chinese solar panel industry. Read the first part here, and parts three and four.

So what makes China’s solar panels so cheap?

Of course, currency manipulation plays an important role, but it goes deeper than that. We tend to think of solar power generation as pollution-free, but that’s only true if their manufacturing process abides by the environmental regulations put in place to safeguard communities. And as I mentioned in a previous post, the Chinese government’s enforcement of its environmental protections is weak at best.

First, consider that there are more than 20,000 factories in just the Shanghai region to be inspected, while China’s Environmental Monitoring/Inspection Bureau has 45 officials and a budget of $600,000. In comparison, the U.S. Environmental Protection Agency’s (EPA) enforcement bureau has a budget of $700 million and 3,000 employees. Due to lax enforcement, Chinese solar companies save “millions of dollars by not installing pollution (controls).”

Next, consider that the two critical raw materials for key renewable energy technologies — like solar — are rare earths and polycrystalline silicon (commonly referred to as polysilicon). China is practically the world’s sole supplier of rare earths, and has dominated their production by producing them at a remarkably low price — about one quarter of that which had previously prevailed in the rare earths market. How it achieves this low price, however, is rather ruthless.

Chinese producers make only minimal efforts to deal with the environmental impacts of the mining process. The rare earths mining regions in Inner Mongolia are amongst the most polluted areas in the world. Rare earth mines also pay low wages and provide little or no safety protection to miners, which results in poverty conditions and health problems for...
safety protection to miners, which results in poverty conditions and health problems for the workers. Essentially, the Chinese price for rare earths is about one-quarter of the price that would result from an environmentally sound, worker-friendly operation. The "real" price of rare earths, therefore, is about four times higher than the current China price.

In addition to the issues around the mining of rare earths, less than one-third of Chinese polysilicon producers meet China's own environmental and energy standards. Environmental violations occur frequently in the solar photovoltaic manufacturing process, wherein many entities take advantage of various loopholes in the pollution control system. It should surprise no one that the production of polysilicon used in solar panels has caused toxic chemical pollution on China's mainland.

Out of Sight, Out of Mind

There has been much rhetoric from the China's central government regarding clean energy, including frequent pledges to reduce pollution. But many local officials in China often put economic growth, revenue and job creation ahead of environmental concerns.

These local officials' initiative plays well here. Artificially cheap Chinese solar panels are seized upon in the American market as an opportunity to widely deploy and install solar across the U.S. in a push for renewable energy. But these solar panels are clearly produced at the expense of workers, communities, and the environment. The result? In an attempt to decrease our dependency on carbon intensive energy, the U.S. has offshored pollution and the burdens that come with it to communities in China, who do not have the same liberties as U.S. citizens to do organize and demand enforcement, let alone creation, of public environmental protections.

Is this the path to a less carbon-intensive future that America should endorse and build upon?

Again, much of this has been made possible by the excellent research skills of Michael Mignano and Erin Kelly.
When Clean Energy Is Powered by Dirty Labor

Most solar panels come from China, and using them to fuel a clean energy transition risks reliance on Uyghur slave labor in Xinjiang.

By Elisabeth Braw, a fellow at the American Enterprise Institute.

APRIL 12, 2021, 2:53 PM

On June 20, 1979, President Jimmy Carter inaugurated a revolutionary fixture on the White House’s roof: 32 solar panels that would help heat the mighty mansion. Nearly 42 years later, the rooftop panels are long gone—but using solar power is no longer seen as quirky or pioneering. In fact, President Joe Biden has made clean energy a pillar of his new $2 trillion infrastructure plan. There’s just one problem: The West has allowed its solar panel industry to be wiped out by cheaper Chinese rivals—and those rivals primarily make key parts of their panels in Xinjiang, whose manufacturing is tainted by the use of forced labor. The West is stuck between dirty energy and dirty labor. But there’s a solution.

“A generation from now, this solar heater can either be a curiosity, a museum piece, an example of a road not taken, or it can be a small part of one of the greatest and most exciting adventures ever undertaken by the American people,” Carter said in 1979, introducing the panels made by the pioneering firm InterTechnology/Solar Corp. in Warrenton, Virginia.

His prediction was accurate—in contradictory ways. Today, Carter’s solar panels are a museum piece. In 2010, one of the White House solar panels joined fellow specimens at the Solar Science and Technology Museum in the Chinese city of Dezhou, where it was received by Huang Ming, chairman of the solar power giant Himin Solar Energy. Another of the panels is at the Smithsonian. But solar energy has also turned into an exciting adventure as the industrialized world and the developing world alike try to avert climate disaster.

Solar energy has turned into an exciting adventure as the industrialized world and the developing world alike try to avert climate disaster.

The story of the White House solar panels is, in fact, the story of how the West lost an innovative and vital industry it initially dominated. Consider some figures: Between 2006 and 2013, China’s
global share of production of photovoltaic (PV) cells, solar panels’ key component, grew from 14 percent to 60 percent. The European Commission later noted that in 2013, “Asia as a whole accounted for more than 80% of the world’s production share and Europe held only 3% (while in 2008 Europe’s global share was 26% and Asia’s 63%).”

That year, the German giant Bosch quit the solar panel manufacturing business; its fellow German giant Siemens had done so the year before. Other German manufacturers went bust. Solar panel manufacturing, previously a German forte, collapsed. In the United States, the Congressional Research Service noted in 2015 that “challenging market conditions have led to numerous bankruptcies and manufacturing consolidations among solar firms.” Today, six of the world’s seven largest solar-panel makers are Chinese, and the seventh—Canadian Solar—has such a large presence in China that it’s planning to list on a stock market there. InterTechnology/Solar Corp., meanwhile, is dormant.

Of course, cheap solar panels (also known as solar modules) are good for a world that is trying to wean itself off fossil fuels. They’re all the more important as solar is one of the most cost-effective ways of creating energy. Seen from that perspective, it’s no surprise that in 2018 the European Commission lifted its long-standing (and at any rate not particularly effective) anti-dumping and anti-subsidy penalties on Chinese solar panels, including PV cells. (PV cells, which consist of polysilicon, convert sunlight to energy.)

Climate-wise, the move made sense: How else to incentivize entire countries to go renewable? The suspended anti-dumping penalties made the Chinese products even cheaper in the European Union and, alas, made it harder still for the odd remaining European solar-panel maker to stay in business. In the United States, too, what was left of the domestic solar panel industry was struggling to compete against its cheap Chinese rivals.

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**A troubling reality is clouding the sunny outlook of solar energy: It’s dependent on Xinjiang.**

Now Biden is going big on renewable energy in his $2 trillion American Jobs Plan, which the White House presented on March 31 and which rightly argues that a “market-based shift toward clean energy presents enormous opportunities for the development of new markets and new industries.” True enough. But while the sun shines everywhere, capturing its energy isn’t easy for countries with decimated solar panel industries.

A troubling reality is, in fact, clouding the sunny outlook of solar energy: It’s dependent on Xinjiang. As Politico recently reported, most PV cells originate in the region that has gained worldwide infamy for Chinese government violations of Uyghurs’ human rights. (China accounts
for 71 percent of global PV solar module production.) "Nearly every silicon-based solar module — at least 95 percent of the market — is likely to have some Xinjiang silicon," Jenny Chase, the head of solar analysis at BloombergNEF, told Politico. Companies and families eager to do their part for the environment are realizing that their solar panels may be the fruit of forced labor. Indeed, Biden's sunny energy plan could be thwarted by America's reliance on PV cells of questionable provenance.

While Chinese authorities deny the existence of forced labor, they also don't permit independent inspections of manufacturing facilities in Xinjiang. Western manufacturers have to take Chinese partners at their word that there's no forced labor involved—an extraordinarily weak basis on which to buy goods. That has caused Volkswagen, a company used to global scrutiny, to admit it can't know for certain whether detained Uyghurs have been forced to work in its Xinjiang factories.

A recent report by the consultancy Horizon Advisory that raised red flags regarding forced labor in Xinjiang PV cell production caused so much alarm in the United States that key solar-panel makers immediately pledged to cleanse their supply chains of forced labor—though they didn't specify how. U.S. Sens. Marco Rubio and Jeff Merkley, in turn, called on the solar industry to document its reliance on supplies from Xinjiang, and at the end of March, Sens. John Kennedy and Rick Scott introduced a bill that would prevent the U.S. government from buying solar panels "manufactured or assembled by entities with ties to the Chinese Communist Party."

Last month, the Uyghurs' dreadful fate, which includes not just detention in camps but constant surveillance even of those not detained, caused the U.K. government to impose sanctions on the Xinjiang Production and Construction Corps, the Chinese government agency that employs more than a tenth of the region’s population and has funded private firms’ PV cell production. The U.K. joined the United States, Canada, and the EU, which imposed similar sanctions. "The evidence of widespread human rights abuses in Xinjiang cannot be ignored—including mass detention and surveillance, reports of torture and forced sterilization," U.K. Foreign Secretary Dominic Raab said when introducing the sanctions. Xinjiang products are looking more toxic by the day.

Companies, households, and public institutions can either keep up their dirty emissions or switch to solar panels that carry the whiff of forced labor.

This reality presents an ugly choice: Companies, households, and sundry public institutions can either keep up their dirty emissions or switch to solar panels that carry the whiff of forced labor. (Or they could switch to more expensive forms of renewable energy.) Imagine well-meaning
governments and businesses in Western countries installing solar panels on their roofs, Carter-style, only to find their clean energy soiled by links to slave labor.

But there is a way forward. The European Commission has funded a project called NextBase for the production of solar panels that are much more efficient than the Chinese-produced ones. Some EU parliamentarians are pushing for “clean supply chain” legislation that would force EU-based companies to demonstrate a slave labor-free supply chain, and the German government has long been working on such an initiative.

Indeed, for businesses, government agencies, and households, the most effective step would be to not just buy untainted panels but to demonstrate that it’s possible. Making doubly clean solar available far beyond the White House would, alas, involve subsidizing domestic solar panel industries to get production back to where it was before China began its solar-subsidizing spree. The World Trade Organization might not take kindly to it.

Western governments could instead introduce “dirty labor” tariffs on PV cells of undocumented provenance, which would remove the Chinese PV cells’ artificially low price advantage and incentivize Western companies to build large-scale PV cell production at home. That would help businesses, households, and institutions around the world to start buying their panels from companies that can show they’re not using Uyghur forced labor. The Solar Energy Industries Association, for its part, is predicting that most major U.S. solar companies will have left Xinjiang by June.

That’s bound to help the Uyghurs, whose forced labor only benefits manufacturers if end-customers turn a blind eye to it. And all those buyers of documented clean solar panels should proudly announce—for example, on the solar panels themselves—that “this is clean energy in every sense of the word.” Such a push could even lead to the creation of new and innovative companies in the solar panel supply chain far from Xinjiang.

After years dominated by a race to the bottom on costs and labor standards, innovation is urgently needed—especially if the world is to have a chance of averting climate change disaster.

Elisabeth Braw is a fellow at the American Enterprise Institute, where she focuses on defense against emerging national security challenges, such as hybrid and gray-zone threats. She is also a member of the U.K. National Preparedness Commission. Twitter: @elisabethbraw

TAGS: CHINA, ENVIRONMENT, RENEWABLE ENERGY, UNITED STATES
"It seems to me Montana is a great splash of grandeur. The scale is huge but not overpowering. The land is rich with grass and color, the mountains are the kind I would create if mountains were ever put on my agenda." - John Steinbeck

To the zoning board of Butte Silver Bow County-

I have proudly called Montana my home for nearly 19 years. My husband and I have had two children that were born in Butte. Ten years ago we found the property of our dreams on Little Basin Creek Rd. We have llamas, chickens, dogs and cats. We wake up and sit on our deck and enjoy seeing new elk babies being born and mule deer fawns playing. We have had grouse in our yard and blue birds nesting in boxes. We never plan on leaving, this is our home. We both work in the medical field, myself with Dr. Pullman for 19 yrs. and my husband at St James hospital. We are committed to Butte, and this is why we are 100% against building a solar farm adjacent to our westward property border.

This solar farm will decrease the home values directly surrounding it. My husband and I have invested in our property and home for over 10 years now. It does not seem appropriate that our property and many others would deprecate to benefit a solar farm that the owners have admitted will only provide 8-10 full time jobs.

The proposed solar farm will literally be at our back fence. It is planned to have over 700,000 solar panels on over 1600 acres of land. This land is rightfully zoned for agriculture and residential use. There are hundreds of animals that roam these parts and the corridor they proposed is not adequate. These animals require large areas with great amounts of native grasses, grouse require sage brush for their habitat. A "corridor" will not be enough.

As noted above the proposed solar farm is estimated to be over 700,000 panels. According to Construction Review, (April 2021), this will make it the 3rd largest solar farm in the US. The only two larger would be the Solar Star farm in California and the Topaz solar in California. If you look at the landscape these farms are located in it is desert, not native beautiful grasses with homes around them.

In preparation for the solar farm the 1600 acres will be bulldozed and all the native grasses, plants and trees will be destroyed. This will create significant dust and dust storms making visibility a nightmare during our windy days which are numerous. I also ask how the solar farm property would be reclaimed once the 25 yr lease is up. The company will also be granted a 15yr property tax reduction, therefore it will have little benefit for the property taxes of Butte silver bow residents.

In addition, please ask yourselves why this has to be so enormous. I feel this is to befit one company in town with owners that live outside of Butte. From what I can deduce, the extra energy will be sold to
outside states. As Mr. Washington said in the paper “I want it all”. I do not feel that is the right attitude when it comes to Montana or Butte.

I plead with you all that you decline the zoning for the planned solar farm between little basin creek and basin creek. In my opinion this is one of the most beautiful areas of Butte. The solar farm would be better suited for an area zoned for industry. I thank you for your time and consideration.

Sincerely,

Erin Williams-Leber

The area just beyond the first set of trees is the huge expanse of land that will be covered with panels. This is looking from Little Basin Creeks rd.
Yearling elk, alone as their mother calves new young. May 24th 2021
Young moose, May 24th 2021
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

June 2, 2021  

To whom it may concern:  

I am a concerned property owner located at 570 Little Basin Creek Road that is opposed to the solar panel farm that is proposed in the area.  

This is an absolutely ridiculous location to put in place a project that does nothing for Butte and will completely destroy the wildlife ecosystem. 1600 acres of wildlife destroyed by 700,000 blinding, skin scorching, wildlife killing solar panels will be installed. All for a profit that will benefit no one except for non Montanas.  

Please do not allow something like this to happen. The area is buetiful land that does not deserve out of state money and lower property value. Especially the type that kills wildlife!  

Sincerely,  

Eric and Sheri Johnson  

[Signature]
May 29, 2021

Margaret Cassidy
2921 Harvard Ave.
Butte, MT 59701

To Zoning Board of Adjustment:

The purpose of this letter is to oppose the Giant (1600 acre) Solar Project in south Butte (Little Basin Creek area). This project would not only be unwise, but it would be detrimental to the wildlife who depend on this habitat. People, too, need the healing power of nature's beauty for their spiritual and physical well-being, especially after the one plus year of the pandemic and state of the country's unrest and division.

Please consider my opposition to this solar project, as well as the opposition of others. I appreciate the opportunity to reach out to the Board.

Sincerely,

Margaret Cassidy

Received 1-1-21
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

June 7, 2021

To Whom It May Concern:

It is my understanding that there is a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This proposal seeks to add a 1600 acre, 700,000 panel solar array to south Butte, and thus requests an exception to the current zoning of R1-S (single family suburban residential) to accommodate this industrial use. I am adamantly opposed to this change in zoning and to the solar array.

The zoning ordinance R1-S found in Title 17.08 of the Butte-Silver Bow Municipal Code “...is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence use, and to provide protecting residential development,” which requires a compelling “public necessity” per BSBMC 17.52.010 to re-zone. This project does not meet that standard. Specifically, it is a private venture intended to power a corporate holding at the expense of property values, wildlife habitat, and ecological diversity.

Item A of the criteria for considering any special use permit application specifies that consideration shall be given to “the location, character and natural features of the property.” This project will have clear and quantifiable adverse effects including complete ecological destruction of the area; long-term, constant noise pollution associated with a massive multi-year construction project; and a decrease in property values due to the aforementioned. The character of the surrounding community and neighborhoods not to mention natural features will be irretrievably, horribly scarred and effected. Additionally, there has been no similar change permitted to the surrounding land uses since the original adoption of the ordinance (Item C). The proposed fencing and “landscaping” will destroy vegetation and topography, which in turn will destroy wildlife ecosystems in this area (Items D and E), including obviously effecting natural movement of large game, which in turn could reasonably have a direct negative effect on the economic advantages accruing to Butte Silver Bow during hunting seasons. The lighting and reflective properties of solar arrays will create well documented nuisances in the surrounding areas for miles (Items H and I). Reclassification for purposes of this private enterprise will fail to enhance or promote the comprehensive development of the immediate neighborhood and community (Item M) which will in turn adversely affect nearby properties and their families (Item Q).

In sum, this project is objectively not compatible with the existing neighborhood, and will radically change its character and natural features – to the detriment of future development of the community.

Furthermore, the corporate entity behind this project has not demonstrated that this effort will have long-lasting positive effects on our community. Only eight permanent jobs are projected to be the outcome of this development, and the surplus energy that is not used by the data center will be sold back to the grid, for profit by Northwestern Energy. There is no indication that this project will benefit Butte-Silver Bow or its citizens at large, let alone the families living in this neighborhood. The proposed
destruction of our neighborhood character, property values, and wildlife habitat is unjustified by any measure.

I strongly request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Jeffrey E. Stephenson, Ph.D.

197 Dry Bean Rd
Butte, MT 59701
June 5, 2021


Zoning Board Members;

On behalf of the Little Basin Creek Volunteer Fire Company, its members, and the community which we serve we are in opposition to the Atlas Solar Project.

The Atlas Solar Project will need to wire the Solar Panels in a manner that lethal levels of voltage and amperage will be present if trying to fight a fire in the vicinity of the Solar Panels.

During a structure fire, before we start to put water on the fire, we MUST turn off the electricity to the structure, as not doing so can cause injury and/or death to the fire fighters due to electrocution (ie. Water and Electricity don't mix).

These Solar Panels can NOT be turned off (as can Electricity to structures can), so any fire fighter would be exposed to dangerous levels of electrical power.

In addition to the electrical dangers, if a vegetation fire under the Solar Panels happened or the Solar Panels themselves were burning, toxic gases would be released that would not allow fire fighters to enter the area. Also, any homes near the burning Solar Panels would need to be evacuated due to the deadly toxic gases.

At this point, a fire among these Solar Panels will only be fought by stopping the spread of the fire at a road or other fire line instead of putting fire fighters in harms way of lethal electrical levels and toxic gas levels, not directly near the Solar Panels. Do to the above reasons the Little Basin Creek Volunteer Fire Company opposes this project and the rezoning of the area.

Sincerely,

Jim Ross – Chief – 406.498.2094

[Signature]

Little Basin Creek Volunteer Fire Company
Butte-Silver Bow Zoning Board:

I am opposed to any zoning that would allow the Basin Creek Solar Project to proceed.

I live in the area and would much rather see green grass and cows than fields of solar panels.

Charles E. Buehler
Charles E. Buehler
481 Little Basin Cr. Rd
Butte, MT.
June 4, 2021

Butte-Silver Bow Zoning Board of Adjustment
c/o County Planning Department
155 W. Granite
Butte, MT 59701

Letter of Opposition
RE: Atlas Power & the Proposed Basin Creek Solar Project on the
Gozden-McDermott Cattle Ranch
HEARING: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as single family suburban residential and should primarily remain as such.

My points of contention are:

- It reduces grazing land for raising beef cattle as a source of our food supply.
- This area is in a near drought status. We cannot spare the water sources needed for maintenance of this Solar Project.
- How will the 700,000 panels be disposed of when they are no longer in use?
- How long will it take to reclaim the 1600 acres from sterile soil back to green?
- Part of the access to these panels will be through Little Basin Creek Rd. Damage will be done to our recycled paved road by heavy equipment for this project?
- There will be lost revenue to Butte-Silver Bow by reducing available land for residential use.
- Removal of vegetation and heat generated by the solar panels will cause a change to weather patterns.
- It will totally take away wildlife habitat for elk, deer, and antelope that depend on this ground for their winter range. Plus, this will disrupt a food source for the endangered species – wolves that depend on wildlife and livestock for their survival.

Butte deserves better.

Sincerely,

Mary J. McLaughlin
580 Little Basin Creek Rd
(406) 479-4729

Jerry McLaughlin
580 Little Basin Creek Rd

RECEIVED
6-8-21
To: Butte Silver Bow Zoning Board  
c/o Butte Silver Bow County Planning Department  
RE: Proposed Basin Creek Solar Project

Members of the Board,

My name is Gary McWhorter. I live at 2200 Skyway Ave in Butte. I am also a landowner in the Basin Creek area.

To begin with I am adamantly opposed to this “MASSIVE” project. There are a number of reasons for my opposition.  
The proposed project is stated to be a 300 million watt installation and assuming state of the art solar panels rated at approximately 400 to 420 watts, this would require between 700,000 and 900,000 panels! 
How are these to be arrayed? Will they be in rows or will they cover the landscape similar to photos I have seen of massive solar farms in places like India? 
How much ground disturbance will there be? Will there be potential issues with dust abatement and storm water pollution of Basin Creek?

Once installed and producing power, how will the output of all these panels be collected together? Will there be one or more collector substations. 
In order to get some of the power to a collector or collector sites, will there be numerous power line crossings of Basin creek? Will these be buried? Who will monitor the potential consequences of underwater power line installations? 
Once the power is accumulated/collected together how will it be interconnected with Northwestern Energy's (NWE) transmission grid? Will there be high voltage overhead power lines? 
In addition to these issues, rumor has it that a 12 foot tall security fence will be installed. Will this be around the entire 1600 acres? How would that benefit the wildlife in the area?

Beyond these issues, I have concerns of the viability of this project and how it will benefit Butte Silver Bow. According to information I was able to view, our average amount of sunshine is approximately 8 hours per day. The output of the solar panels is dependent upon solar radiation which is at a maximum about 4 hours per day. Based on that, this farm would produce 300 mW only 4 hours a day. By comparison I visited the NCAT installation and viewed an information sheet delineating this was a 50 kW site that produced some 66,700kw-hours of power per year. AT 365 days per year and 50 kw output, this computes to 3.6 hours of utilization per day which verifies data I found on the internet.

The project is estimated to cost approximately $250,000,000. I believe at least 90% of that amount will go to China for steel and solar panels. In all likelihood the project will be awarded to a non-union, out of town contractor who will bring in non-union
construction forces. Again, how would that benefit not only Butte Silver Bow, but the US as well?

My further question is how is power production 4 hours per day beneficial? How does that lessen NWE's need for other more traditional and reliable plants? Atlas and crypto mining touted this to serve their load. Are they shutting down 16 to 20 hours per day? I think not and their attempt to use NWE as a "storage" site is either disingenuous or ignorant of power systems. Once they sell power to NWE it disappears and any future power they purchase back from NWE has no connection to what they produced and sold. It will come from an entirely different source.

Currently the Basin Creek area is zoned residential. It is a very scenic area to drive through on the way to the Basin Creek reservoir park. This solar installation would forever visually devastate the area to serve no purpose.

Furthermore, I have to question what this will do to property values? I think they will go down as I don't believe people will want this type of facility in their back yard. I question if any alternatives have been considered? For example the TIFID area out by the ASMi plant is already zoned industrial. Why wouldn't that be a better location, if in fact it is to be built.

Does the impact of this facility warrant its approval given the minimal power output?
Todd Collins, Butte-Silver Bow County Zoning Board  
155 W. Granite  
Butte, MT 59701

100 Sweet Meadows Rd.  
Butte, MT 59701  
May 26, 2021

Dear Mr. Collins:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.

Much has been written, both positive and negative, about the current use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside investment and high paying technology jobs will materialize and come to our town through its planned expansion, I shall remain skeptical of its benefit to the Butte community. Presently, I view cryptocurrency “mining” as a vast waste of computing power and energy (no matter the source of the energy), all the while serving as a windfall for speculators and a way to move large sums of money without government interference.

I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo
Sylvia Cunningham, Butte-Silver Bow County Zoning Board
155 W. Granite
Butte, MT 59701

100 Sweet Meadows Rd.
Butte, MT 59701
May 26, 2021

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Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the "grid" to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no "green" energy available for the city of Butte.

Much has been written, both positive and negative, about the current use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside investment and high paying technology jobs will materialize and come to our town through its planned expansion, I shall remain skeptical of its benefit to the Butte community. Presently, I view cryptocurrency “mining” as a vast waste of computing power and energy (no matter the source of the energy), all the while serving as a windfall for speculators and a way to move large sums of money without government interference.

I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,
Bonnie B. Yeo

Bonnie B. Yeo
Carol Laird, Administrative Assistant, Butte-Silver Bow County Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

100 Sweet Meadows Rd.
Butte, MT 59701
May 26, 2021

Dear Ms. Laird:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

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I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo

Bonnie B. Yeo
Dear Ms. Jaksha:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

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I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo
Garrett Craig, Butte-Silver Bow County Zoning Board  
155 W. Granite  
Butte, MT 59701  

100 Sweet Meadows Rd.  
Butte, MT 59701  
May 26, 2021  

Dear Mr. Craig:  

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.  

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.  

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.  

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I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.  

Thank you for your time.  

Yours truly,  

Bonnie B. Yeo
Justin Fortune, Butte-Silver Bow County Commissioner, District Five
155 W. Granite
Butte, MT 59701

100 Sweet Meadows Rd.
Butte, MT 59701
May 26, 2021

Dear Mr. Fortune:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.

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I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo
Tyler Schaffer, Butte-Silver Bow County Zoning Board  
155 W. Granite  
Butte, MT 59701  

100 Sweet Meadows Rd.  
Butte, MT 59701  
May 26, 2021

Dear Mr. Schaffer:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.

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I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo
Lori Casey, Butte-Silver Bow County Planning Board
155 W. Granite
Butte, MT 59701

100 Sweet Meadows Rd.
Butte, MT 59701
May 26, 2021

Dear Ms. Casey:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott's property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the "grid" to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern's transmission lines, resulting in no "green" energy available for the city of Butte.

Much has been written, both positive and negative, about the current use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside investment and high paying technology jobs will materialize and come to our town through its planned expansion, I shall remain skeptical of its benefit to the Butte community. Presently, I view cryptocurrency "mining" as a vast waste of computing power and energy (no matter the source of the energy), all the while serving as a windfall for speculators and a way to move large sums of money without government interference.

I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo
David Wing, Chairman, Butte-Silver Bow County Zoning Board  
155 W. Granite  
Butte, MT 59701  

100 Sweet Meadows Rd.  
Butte, MT 59701  
May 26, 2021

Dear Mr. Wing:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.

Much has been written, both positive and negative, about the current use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside investment and high paying technology jobs will materialize and come to our town through its planned expansion, I shall remain skeptical of its benefit to the Butte community. Presently, I view cryptocurrency “mining” as a vast waste of computing power and energy (no matter the source of the energy), all the while serving as a windfall for speculators and a way to move large sums of money without government interference.

I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

[Signature]

Bonnie B. Yeo
Loren Burmeister, Butte-Silver Bow County Zoning Board  
155 W. Granite  
Butte, MT 59701  

100 Sweet Meadows Rd.  
Butte, MT 59701  
May 26, 2021

Dear Mr. Burmeister:

The purpose of this letter is to register my opposition to the location of the proposed 1600 acre Basin Creek Solar Project directly adjacent to my 540 acre ranch to the north of Mr. McDermott’s property.

Sweet Meadows ranch has been in my family for five generations and, along with the McDermott property, may be among the last large land holdings south of Butte. As one of the remaining bastions of open space in the county, it would be a shame to see this part of the beautiful Summit Valley with its native grasslands replaced with over 700,000 solar panels. The 2.5 square miles encompassing the proposed solar project is zoned residential and should remain as such to accommodate future population growth in Butte-silver Bow.

I am unopposed to solar projects in general, but I am opposed to this proposed project because the principal beneficiary of the 300 megawatts of power generated by the solar facility would be Atlas Power datacenter and its cryptocurrency facilities. Once Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be used anywhere. Northwestern Energy could bid on that power, but, considering their reluctance to use solar energy because of its sporadic nature, the power would most likely be sent out of state through Northwestern’s transmission lines, resulting in no “green” energy available for the city of Butte.

Much has been written, both positive and negative, about the current use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside investment and high paying technology jobs will materialize and come to our town through its planned expansion, I shall remain skeptical of its benefit to the Butte community. Presently, I view cryptocurrency “mining” as a vast waste of computing power and energy (no matter the source of the energy), all the while serving as a windfall for speculators and a way to move large sums of money without government interference.

I respectfully request that the zoning board, upon assessing my reasons for opposing the aforementioned proposed solar project, they consider denying the application for the special use permit by the Basin Creek Solar Project.

Thank you for your time.

Yours truly,

Bonnie B. Yeo

[Signature]
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

June 3, 2021

To Whom It May Concern:

My name is Holly Yeo-Lagerquist. I write this letter on behalf of my spouse, Russ Lagerquist & me, to register our opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. Russ & I reside on my mother, Bonnie Yeo’s, 540-acre ranch that is directly adjacent to the north of Mr. John McDermott’s property. My husband and I own 5 acres among the 540 acres of my mom’s.

Russ & I built our home in 2004 on Sweet Meadows Ranch so we could help my parents operate the ranch. It was a dream that came true. Russ & I intend to continue to help in the operation of Sweet Meadows Ranch. The ranch is a 5th generation ranch and has been in our family for 130 years. We’d like it to remain this way & to become a 6th generation family ranch. The McDermott property and Sweet Meadows Ranch may be among the last large holdings south of Butte. It would be devastating to witness this breathtaking part of Summit Valley with its native grasses to be overtaken by over 700,000 solar panels. Mr. McDermott’s property is zoned as residential and should remain as such to help support, accommodate, and establish the future population growth of Butte, MT.

We support solar projects and green energy in general, but we strongly oppose this project because the principal beneficiary of the 300 megawatts generated by the solar facility would be Atlas Power & Madison River Equity LLC. As soon as Atlas Power consumes its annually permitted 75 megawatts of power, the remainder goes to the “grid” to be utilized anywhere. It is my understanding that North Western Energy could bid on this power, but with their hesitance to use solar energy due to its sporadic nature, that may not be the case. The power would most likely be sent to out of state interests through Northwestern’s transmission lines, thus resulting in no “green” energy available for Butte residents.

There has been much written lately both supporting and opposing the use of cryptocurrency as a worldwide medium of exchange. Unless Atlas Power can demonstrate that the influx of millions of dollars in outside and high paying technology jobs will materialize and come to Butte through its planned expansion, Russ and I will remain doubtful as to its benefits to the citizens of Butte. No other use of the computing capabilities of the new graphics processing units by Atlas Power, other than cryptocurrency mining, has been fully or adequately explained to our satisfaction.

Furthermore, there is no indication that this project will benefit Butte-Silver Bow such that the destruction of neighborhood character, ranch lands, property values and wildlife is justified.

Russ and I respectfully request that the Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Thank you for your time.

Sincerely,

Holly Yeo-Lagerquist & Russ Lagerquist  
140 Sweet Meadows Road  
Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

RE: Basin Creek Solar Project by Madison River Equity LLC  

May 31, 2021

To Whom It May Concern:

My name is Dr. David Marik. I moved my family here in August of 2020 to work, become part of the community, and to hopefully retire here in Butte. After retiring from ranching and being a counselor for the majority of my life, my wife and I made the decision to move and work toward our retirement in the community in which we wanted to retire. With my wife being a physician and with me continuing with my counseling practice, we had the opportunity to move almost anywhere in the world. After visiting many places, we fell in love with Butte, the community, the nature, the views and the Butte Strong attitude we saw and heard about. We took all of our savings and purchased some land and a home on Wapiti Mountain Road at the end of Little Basin Creek Road. We have not only invested our finances in Butte, we have invested our lives here. We moved 2300 miles from the south to find a new great place to call home! I have a 16 year old that was uprooted to a new school that he has grown to love, even in these hard times with Covid. Our Home is Butte! We may not have been born here or raised here, but we have chosen to live here.

After moving here I immediately hired an architect to add on to our home to increase our ability to not only enjoy what nature has to offer around us, our views, but to have space to create many memories with our neighbors and friends. We have grown to love overlooking the East Ridge, the Highlands, but, some of our most favorite views are overlooking the south end of the Butte Valley and the City. The herds of elk, antelope and even the Bald Eagles in the proposed area have been amazing for our community to enjoy. The open pasture land and cattle are also peaceful to view and important historically. The noise and light pollution is to a minimum at this point, and our city is great. Being a rancher I am in support of taking care of our environment and finding new ways to create sustainable energy. I believe it is our duty to maintain and take care of our environment and our community’s resources. However, I also strongly believe that we are not to do that at the detriment of our community, the environment, and the wildlife that calls Butte home! I believe that this project is to the detriment of our community! It deeply breaks my heart that we as a community are even having this discussion knowing what we know about this project and how little is being shared with the community at large. I attended the developers’ meeting, requested specific information, and have yet to receive anything now weeks later.

Butte does not need another eye sore, nor people from outside this community making profits off of Butte. In my opinion, this entire project will destroy the beauty of our community for current and future generations. The visual and auditory disturbances to the community will...
be devastating. While buying our home and choosing where to live, we looked over the community and zoning around our immediate neighborhood and even views. We wanted to manage our money and purchase what we had dreamed of. Sadly, at this point, I have stopped all progress on making our dream home to see what happens with this solar project. If in fact this project is approved, we will move. I believe that this project will keep great people from moving here that will have a lot to offer Butte and the surrounding areas. This letter is not only to strongly voice my concern about this project for me and my family, but, also, for the people of Butte who have no idea of the negative impact this will have on our community, our city and our county.

I am writing this letter as written opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. I therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project.

Sincerely,

Signature ___________________________ Date 6/1/2021

Printed Name Robert “David” Mark

Address 1038 Wayiti Mountain Rd
Dear Zoning Board Members,

I am proud to say I am a lifetime resident of Butte, Montana. In my 30 years of learning and loving the wonderful things about Butte and my community, I have come to realize there is one thing that stands above the rest and that is, Butte takes care of Butte. From the days of the Granite Mountain Speculator Mine Disaster, through the years of volunteer work and financial support in building "The Spirit of Columbia Gardens carousel, The Lady of the Rockies build... to the most recent outpouring of support since the tragic fire resulting in total loss of the M&M...The list goes on and on. You can see, Butte people have always shown up to lend a helping hand. I am writing this letter now, asking that once again Butte steps up and helps take care of their own.

The Basin Creek Solar Project with it's proposed installation of 700,000 solar panels over a 1,600 acre parcel of land, will be situated just 25 feet from my property line. The panels will fully line not one, but two sides of my property, eliminating indescribably gorgeous views. Currently, the majority of my family's time is spent outside, enjoying our land, gazing out across the landscape, as we desire. My husband and I have the opportunity to do this with our two young boys. We get to watch them get excited over seeing all the wildlife that we are privileged to see just outside and sometimes within our own backyard! How fortunate am I to get to do so? The natural, uninterrupted scenery, that's why we chose to more firmly plant our roots in the community where we were raised. I want to continue to teach them why we love Montana. Why we call Butte home, why we cherish the community. I cannot, in my heart, continue to do that if the looming sea of black encroaches at my back door.

I'm not against "going green" by any means. I do my best in purchasing environmentally friendly products. I teach my children that when we find litter on the ground, we pick it up and put it in the trash. We leave the land how we found it or a little cleaner if we have a day in the hills. That said, I am not in support of the Basin Creek Solar Project. This is proposed with the intent to support and benefit a small private group of individuals while negatively impacting the surrounding neighbors. This is an example of a private company taking advantage of renewable energy mandates and subsidies to reap the benefits for their own personal gains. This is not for the benefit of Butte.

I did some research and discovered the following land types are ideal for solar plants: brownfields, abandoned mining land, and existing transportation and transmission corridors. These land types are ideal because these are lands that have pre-existing degradation and loss of habitat that will be further compounded by the addition of a solar plant. The land that borders mine should not be classified this way. I find myself thinking that the Basin Creek Solar Project is going to adversely affect the deer, elk, antelope, coyotes, fox, eagles, hawks, bunnies and badgers, just to name a few. I foresee it impacting their lives more than it will impact mine. This could jeopardize an entire ecosystem. Solar power has its advantages, but not when plants of this magnitude are built on 1,600 acres of natural, uninterrupted, pristine land.

This is something I feel very passionate about. I greatly appreciate every one of you taking the time to hear my concerns. I hope you make the right decision in denying the request for a special use permit from the Butte Silver Bow Zoning Board.

Thank you,

April Parmian

RECEIVED
6-2-2021
Dear members of the zoning board,

My name is Kyle Parvinen. I live at 279 cottontail lane, a corner lot to the proposed basin creek solar project. As far as relative distance, my home will be as close to an array as any home around the entire project. My home faces north, and exactly 110 yards away from my house stands to be 700,000 solar panels facing south directly at me. Put yourself in my position, and you will see it’s the thing of nightmares, and the exact reason zoning laws were made in the first place. It does not make my opinion matter any more or less but I hope it helps you understand my passion about stopping this project.

My wife and I were born and raised in Butte, our parents, grandparents and great grandparents, all born and raised in Butte. The relevance? They all instilled in each other and then onto us, the importance of keeping alive the thing that keeps generations in a place as great as this. A community, it’s so rare and only understood by those who have been able to be a part of it. A community can heal the sick, shelter the homeless, and most importantly preserve the area the community calls home.

Who would know this better than a board compromised of volunteers, donating their own time to protect their fellow citizens. You are all reading this because you took it upon yourselves to be in the position to decide on the tough decisions that would affect so many in your community. I now call onto you, to take deeply into consideration the residents, like myself, my wife and two small children. Who worked hard to move to a beautiful area within our community, and now face a proposed industrial destruction on a scale many can’t comprehend. So many stand to lose so much, while some wealthy investors can gain a little more by destroying a valley in our own community. Solar farms are not bad. Exploiting them for the self-interest of those who fund them is. I implore you to ask yourself, are we the ones, to allow a mass industrial development, to overtake a residential area of our fellow citizens.

I honestly believe the generations that made us, that made Butte more than a town, that stopped the wealthy corporations from using our natural resources to line their pockets, I honestly believe they wouldn’t allow it to happen again. Now it is your time to make them proud.
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

RE: Basin Creek Solar Project by Madison River Equity LLC  

May 31, 2021  

To Whom It May Concern:  

My name is Dr. Susan Marik. I moved my family here in August of 2020 to work, become part of the community, and to hopefully retire here in Butte. My husband and I made the decision to move and work toward our retirement in the community in which we wanted to retire. I am a physician and my husband has a counseling practice. We had the opportunity to move almost anywhere in the world. After visiting many places, we fell in love with Butte, the community, the nature, the views and the Butte Strong attitude we saw and heard about. We took all of our savings and purchased some land and a home on Wapiti Mountain Road at the end of Little Basin Creek Road. We were careful to investigate the surrounding neighborhoods and acreage to verify the zoning surrounding our land and home. We have not only invested our finances in Butte, we have invested our lives here. We moved 2300 miles from the south to find a new great place to call home! I have a 16 year old son that was uprooted to a new school that he has grown to love, even in these hard times with Covid. Our Home is here in Butte. We may not have been born here or raised here, but we have chosen to live here.  

After moving here we immediately hired an architect to add on to our home to increase our ability to not only enjoy what nature has to offer around us, our views, but to have space to create many memories with our neighbors and friends. We have grown to love overlooking the East Ridge, the Highlands, but, some of our most favorite views are overlooking the south end of the Butte Valley and the City. The herds of elk, antelope and even the Bald Eagles in the proposed area have been amazing for our community to enjoy. The open pasture land and cattle are also peaceful to view and important historically. The current zoning restricts the usage and ownership of the land along our beautiful drive home and across which our lovely view looks. The noise and light pollution is to a minimum at this point, and our city is great. I am in support of taking care of our environment and finding new ways to create sustainable energy. However, I believe it is our duty to maintain and take care of our environment and our community’s resources. I also strongly believe that we are not to do that at the detriment of our community, the environment, and the wildlife that calls Butte home! I believe that this project is to the detriment of our community! Changing the zoning of the current proposed site would definitely be to the detriment of our community and the wildlife in the area. It deeply saddens me that we as a community are even having this discussion knowing what we know about this project and how little is being shared with the community at large. We attended the developers’ meeting, requested specific information, and have yet to receive anything now weeks later.
Butte does not need another eye sore, nor people from outside this community making profits off of Butte. In my opinion, this entire project will destroy the beauty of our community for current and future generations. The visual and auditory disturbances to the community will be devastating. While buying our home and choosing where to live, again, we looked over the community and zoning around our immediate neighborhood and even views. We wanted to manage our money and purchase what we had dreamed of. Sadly, at this point, I have stopped all progress on making our dream home to see what happens with this solar project. There are essentially no benefits of this project to our community. If in fact this project is approved and the zoning is changed, we will move. I believe that this project will keep great people from moving here that will have a lot to offer Butte and the surrounding areas. This letter is not only to strongly voice my concern about this project for me and my family, but, also, for the people of Butte who have no idea of the negative impact this will have on our community, our city and our county. I am requesting that you as the zoning committee vote against any change to the zoning of this area.

I am writing this letter as written opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. I therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project.

Sincerely,

Signature ____________  Date ______________

Printed Name ____________

Address ____________
May 26, 2021

Butte Planning Board
155 W. Granite St.
Butte, MT 59701

To Whom it may concern,

Planning and zoning are important to a community. The residents of a town can then make informed choices about what to expect of their chosen neighborhood. There are residential zones and industrial zones created to prevent conflicts. It is exactly this “not-in-my-back-yard” conflict that exists with the proposed Basin Creek Solar Farm.

It is important for the planning board to take the view-shed into account when approving new projects. We were drawn to live in this area because of the landscape, the views, the wildlife, the quietness of the area. Knowing it was zoned residential contributed to that decision.

As stated in the Montana Standard article of 3/28/21, Atlas Energy (aka Bitcoin, CryptoWatt) intends to build eight new buildings full of servers to mine cryptocurrency. This juice-guzzling data center is to be powered by the proposed 300MW, 1600 acre, 700,000 unit solar farm. It would seem appropriate to then build such a grand new adventure on an existing industrial site and not obliterate precious green-space in exchange for an industrial view. We know of no-one who seeks to live next to such a gigantic solar array.

A more appropriate site would still afford the energy produced to be put on the grid to feed the endeavors of Atlas Power. It would still employ contractors to build it and would still end up with the required 5-10 maintenance employees.

We do support solar energy. Ideally, however, the power generated would benefits home owners of the city or state that it is built in. Seems no such benefit exists with this particular project. To turn a residential green-space into a for profit adventure for the convenience of a handful of entrepreneurs at the dismay of many local residents just seems wrong. Therefore we are opposed to the proposed location of the Basin Creek Solar Project.

I ask the members of the Zoning Board of Adjustment to carefully consider this matter. Your decision may set a precedent for the quality of life and desired lifestyle of our cities future.

Respectfully,

Dave and Carol Lubick
1333 Beacon Road
Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

May 24, 2021

To Whom It May Concern:

This letter is written in opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This proposal seeks to add a 1600 acre, 700,000 panel solar array to south Butte, and thus requests an exception to the current zoning of R1-S (single family suburban residential) to accommodate this industrial use.

The zoning ordinance R1-S found in Title 17.08 of the Butte-Silver Bow Municipal Code “...is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence use, and to provide protecting residential development.” In order to re-zone this area, there must be a compelling “public necessity” per BSBMC 17.52.010. This project does not meet that standard – it is a private venture intended to power a corporate holding at the expense of property values, wildlife habitat, and ecological diversity. It will have clear adverse effects including complete ecological destruction of the area; long-term, constant noise pollution associated with a massive multi-year construction project; and a decrease in property values due to the aforementioned.

This project is not at all compatible with the existing neighborhood, and will radically change its character and natural features – to the detriment of future development of the community.

Furthermore, this project has not demonstrated that it will have long-lasting positive effects on our community. Only eight permanent jobs are projected to be the outcome of this development, and the surplus energy that is not used by the data center will be sold back to the grid, for profit. There is no indication that this project will benefit Butte-Silver Bow such that the destruction of neighborhood character, property values, and wildlife habitat is justified.

There is a reason why there are zoning restrictions throughout Butte. Once zoning is modified for one entity, it is then setting a precedent for other changes to zoning. Before accepting the exemption to this, please ask “What will this change do overall to requests in the future? Will there be similar requests? Have there been similar requests that we have denied?”

We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Paul Blumenthal, 1217 W. Platinum St.

Sarah De Money, 1217 W. Platinum St.

RECEIVED

CC

10-10-2021
Butte-Silver Bow Zoning Board of Adjustment

c/o County Planning Department

Courthouse Room 108

155 W Granite St.

Butte, MT 59701

May 24, 2021

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This project is not at all compatible with the existing neighborhood, and will radically change its character and natural features — to the detriment of future development of the community.

Furthermore, this project has not demonstrated that it will have long-lasting positive effects on our community. Only eight permanent jobs are projected to be the outcome of this development, and the surplus energy that is not used by the data center will be sold back to the grid, for profit by Northwestern Energy. There is no indication that this project will benefit Butte-Silver Bow such that the destruction of neighborhood character, property values, and wildlife habitat is justified.

We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Dallas Seymour

4977 Foothill Rd

Butte, MT 59701
This is from my living room. I'm not opposed to the idea of looking at the Solara every day.

No one, including all of you, would love looking at the Solara every day.
Start out small and build Solar Field on Basin Creek Side. Harrison Ave Side we do not need the Black Sea below our beloved Highlands All for the Idea ... Not At Little Basin Creek

Thanks.

[Signature]
Fritz Daily
1901 Roosevelt Ave.
Butte, MT  59701

June 6, 2021

“The decisions made today are forever decisions and have forever consequences. It is imperative that we do things right.”

Dave Wing  Chairman
Zoning Board of Adjustments
BSB Courthouse
155 West Granite
Butte, MT  59701

Members of the Zoning Board of Adjustments:

Please consider me an opponent of the proposed Solar Farm in South Butte. I do not see any benefit for our great community.

As I read it, the only folks who will benefit from the project are the Washington Corporation who will own the project, and China who will make the solar panels. In the end, Washington will own 300 megawatts of electricity that he can sell any place in the future. Montana currently only has approximately 2000 total megawatts of electricity.

With 1,600 acres of black space, which is what is going to be there, are we creating another one mile by two-mile square scar on the south edge of town? Similar, to the one mile by two-mile square Berkeley Pit on the other end of town? The Berkeley Pit is one mile by two-mile across!
The question I would ask is what are the long-term the environmental, social, and health long-term effects of the project on our community? Obviously, there are numerous unknowns associated with the farm that must be addressed before such a project of this magnitude should ever even be considered!

I also understand that there are large tax breaks and other government incentives for building such a project. In the end are the taxpayers of Butte and the Nation going to pay for the facility?

For me, while I do not live close to the solar farm, it definitely could have future negative ramifications for the community. As always, I just care, and Butte just deserves better!

_Fritz Daléy_

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution. Messages and attachments sent to or from this email account pertaining to the City-County of Butte-Silver Bow business may be considered public or private records depending on the message content (Article II Section 9, Montana Constitution; 2-6 MCA).
This message did not originate from a Butte-Silver Bow email account and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.

Good afternoon,

I’m reaching out today to take the time to address my concerns in regards to the solar panel farm that is currently being mapped and planned for the Basin Creek area. I never thought a time would come that I would have to do this and the hurt I have for the future of our community is very unfortunate.

The Basin Creek Reservoir is amazing. If you discuss with anybody what their thoughts are about the drive from industrial park to the Basin Creek Reservoir every person would tell you the beauty it holds and the wildlife they’ve seen. I want our future generations to be able to also enjoy this area. I worry that the solar farm will only intimidate people from wanting to be apart of our community. From the eye sore it will be to the noise and even the disruption of our wildlife, I truly believe this will push people from our area rather than bring people in.

Butte is amazing. It’s characteristics are like no other city in America. From the industrial and raw feel of uptown Butte to the breathtaking views and sunsets towards Basin Creek, Butte is truly one of a kind. It’s built on community, hard work, and dedication. This solar farm stands for nothing that we do. We fight hard for each other and we believe in what is right. I hope that you can dig deeper and see that this land means more than any dollar could buy. It’s untouched and once changed we will never get that back. 1,600 acres that will be changed and ruined forever.

I truly hope you take the time to hear the thoughts of your community and understand that Butte, America always needs opportunities - this just isn’t the right one.

Thank you,
Cassidy Leary

This message did not originate from a Butte-Silver Bow email and therefore cannot be validated. Please ensure you respond accordingly and proceed with caution.
Hi!

Please please PLEASE consider instead of the proposed planning of the solar power plant south of Butte, having it out west of town in the industrial park. It makes more sense than plowing out what could be lucrative real estate for residential and driving established homes in the area to have their value lowered.

I am not opposed to solar energy on a whole, but I DO oppose the current selected location for the plant.

Thank you for the consideration.
Caitlin Ertz

Sent from my iPhone
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. *This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed.* There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.

It has been stated that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will go directly to Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. Atlas Power intends to use 75 megawatts of the total 300 megawatts of power annually even with the proposed expansion. The remaining power is able to go anywhere. It is my understanding that this remaining power will be put on the "grid" and sold on the open market to out of state interests without providing any tangible amount of green energy to the Butte community.

Unfortunately, the planned solar project and cryptocurrency expansion does not translate into dozens of permanent high paying technology positions. It has been stated in the end there will only be 5-10 jobs created. Future economic development and expansion resulting from this project has not been defined, or demonstrated, other than “pie in the sky” promises. It remains to be seen if the projected influx of millions of dollars in outside investment to the community will come to pass.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature _______________________________ Date __6-04-2021__

Printed Name ____________________________

Address ________________________________
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

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There will be a meeting of the Zoning Board of Adjustment at 5:30 p.m. on Thursday, June 17, 2021 at the Butte-Silver Bow Courthouse

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]

[Name]

Address

Butte, MT 59701
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

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Sincerely,

Name __________________________

Address 3205 Kenneth Dr, Butte, MT 59701
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Name: Chet L. Reid

Address: Lot 9, Coyote Lane, Butte, MT 59701

RECEIVED
J.T.
6-1-21
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

Name: Melissa M. Reid

Address: 1679 Coyote Lane, Butte, MT 59701

RECEIVED
6-1-21
GT
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

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Sincerely,

Signature: Kayla Caldwell  
Date: 6/21/21

Printed Name: Kayla Caldwell

Address: 59701; 590 Coyote Lane
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]

Name: Alan Ellison

Address: 1657 Sunset Rd., 59701
May 24, 2021

Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition


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Thank you for your time!

Sincerely,

Name

Address 2218 Argyle Butte, MT
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature: Melanie Frassard  
Date: 6/2/21

Printed Name: Melanie Frassard

Address: 388 Little Basin Creek Rd. Butte, MT 59701

[RECEIVED 6-8-2021]
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

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Sincerely,

Signature [Mark Fossaro] Date 6-2-21

Printed Name Mark Fossaro

Address 888 Little Basin Creek Rd. Butte, MT 59701

Received 6-8-2021 CP
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

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Sincerely,

Signature Charles E. Buehler Date 6/4/21
Printed Name Charles E. Buehler
Address 481 Little Basin Cr. Rd, Butte
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature: [Signature]  
Date: 5/4/21

Printed Name: Brenda M Buchler

Address: 481 Little Basin Dr, Rd
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature Carla Caldwell Date 6-1-21
Printed Name Carla Caldwell
Address 812 Coyote Lane Butte
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

[Signature]

Date 6-1-21

Printed Name Doug Caldwell

Address 812 Coyote Lane, Butte MT

[Stamp] Received 6-8-2021
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701  

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108  

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Sincerely,  

Signature **Mary Trimble**  
Date **6/1/2021**  

Printed Name **Mary Trimble**  
Address **525 Little Basin Creek Rd, Butte MT 59701**
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

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Sincerely,

[Signature]

Name

3467 Manorick Ave. Butte, MT

Address

5.7.21

RECEIVED
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Name Dan Guidi Mary Guidi

Address 2504 State St Butte, MT 59701
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

Name: Zack Bolton

Address: 6750 US Highway 10
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

[Signature]

Name: [Handwritten Signature]

Address: 117 Aspen Lane, Butte, MT
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

Name: Robert Faunce

Address: 117 Aspen Lane
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature  Michael Trimble  Date  Jun 1 2021
Printed Name  Michael Trimble
Address  525 Little Basin Creek Rd, Butte MT 59701
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

Name: Danielle Rozan

Address: 53 E. Broadway

RECEIVED
6-9-2021
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

[Signature]

Name: [Signature]

Address: 3325 Quincy, Butte

RECEIVED
6-5-2021
CL
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Name _____________________________

Address ___________________________
May 24, 2021

Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition


To Whom it May Concern:

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There will be a meeting of the Zoning Board of Adjustment at 5:30 p.m. on Thursday, June 17, 2021 at the Butte-Silver Bow Courthouse

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Handwritten signature]

Name

Address

RECEIVED
6-9-2021

[Stamp]
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

[Signature]

Name, Sherry Woolnesta

Address, 1400 Majors St. Butte, MT
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


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Sincerely,

__________________________
Name

__________________________
Address 1752 Oregon

RECEIVED
6-9-2021
cl
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

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Sincerely,

[Signature]

Name: [Signature]

Address: 1752 Oregon Ave.
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

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Sincerely,

Name ____________________________

Address 1310 East Park Place

RECEIVED
10-9-2021

20
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701  

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108  

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Sincerely,  

Signature [Signature] Date 6-3-21  

Printed Name James D. Silva  

Address 1055 Blacktail Loop Road 59701  

RECEIVED  
JT 6-9-21
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature  
Date 4/5/21

Printed Name  
Address 1850 Hancock Ave. Butte, Mont 59701

JT 4-9-21
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature ___________________________ Date 6-3-21

Printed Name ___________________________

Address 3400 Hill Ave # 1304 Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

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Sincerely,

Signature  
(Date 5-29-21)

Printed Name  
Joan Moon

Address  
115 Waldron Drive, Butte, MT  
[Stamp: RECEIVED 6-9-21]
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Sincerely,

Signature [Signature]
Printed Name Laura Moon
Address 3109 Yale Ave, Butte, MT 59701

Date 5/30/2021

[Receipt stamp] 6-9-21
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701  

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108  

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_________________________  Date 5/31/21  
Signature  

Printed Name  

Address  1017 S. Arizona St, Butte MT 59701  

RECEIVED 6-7-21
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155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Signature ___________________________ Date 5-29-21

Printed Name ___________________________ Address 115 Waldron Dr, Butte MT 59701

RECEIVED 6-9-21
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155 W. Granite  
Butte, MT 59701  

Letter of Opposition  
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Sincerely,  

Signature: [Signature]  
Date: 5/29/21  
Printed Name: Richard J. Clark  
Address: 2021 Garfield Ave.  

[Stamp: Received 6/9/21]
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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Signature _______________________________ Date __________, __________
Printed Name _______________________________
Address ________________________________

[Stamp: RECEIVED 6.7.21]
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Butte, MT 59701

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Signature  

Date 5/29/21

Printed Name JIM SWANSON

Address 3160 ATHERTON LN.
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

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Unfortunately, the planned solar project and cryptocurrency expansion does not translate into dozens of permanent high paying technology positions. It has been stated in the end there will only be 5-10 jobs created. Future economic development and expansion resulting from this project has not been defined, or demonstrated, other than “pie in the sky” promises. It remains to be seen if the projected influx of millions of dollars in outside investment to the community will come to pass.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature________________________Date 5/29/21

Printed Name________________________

Address 2980 Hawaiian St., Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TID area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature: ___________________________ Date: 5-30-2021

Printed Name: Zachary W. Hell

Address: 121 Grandview Drive, Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres [2 1/2 square miles between Basin Creek and Little Basin Creek] on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately west of Butte.

It has been stated that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will go directly to Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. Atlas Power intends to use 75 megawatts of the total 300 megawatts of power annually even with the proposed expansion. The remaining power is able to go anywhere. It is my understanding that this remaining power will be put on the "grid" and sold on the open market to out of state interests without providing any tangible amount of green energy to the Butte community.

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Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]  
Date 5-29-21

Printed Name  
David L. Kersting

Address  
3434 Burlington St. Butte MT 59701

RECEIVED  
6-9-21
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.

It has been stated that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will go directly to Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. Atlas Power intends to use 75 megawatts of the total 300 megawatts of power annually even with the proposed expansion. The remaining power is able to go anywhere. It is my understanding that this remaining power will be put on the “grid” and sold on the open market to out of state interests without providing any tangible amount of green energy to the Butte community.

Unfortunately, the planned solar project and cryptocurrency expansion does not translate into dozens of permanent high paying technology positions. It has been stated in the end there will only be 5-10 jobs created. Future economic development and expansion resulting from this project has not been defined, or demonstrated, other than “pie in the sky” promises. It remains to be seen if the projected influx of millions of dollars in outside investment to the community will come to pass.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ____________________________ Date 6/10/21

Printed Name ERIC C LEBER

Address 540 Little Basin Creek Rd Butte MT
May 24, 2021

Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition


Hearing: June 17 5:30 at Butte-Silver Bow Court House

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch. This area is zoned as residential and should remain as such. This project will consume 1600 acres (2.5 square miles) on which 700,000 solar panels will be placed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TIFID area, immediately West of Butte.

It has been stated that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will go directly to Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency buildings. Atlas Power is permitted to use 75MW of the total 300MW of power annually, even with the proposed expansion. The remaining power is able to go anywhere. It is my understanding that this remaining power will put on the “grid” and sold on the open market to out of state interests without providing any tangible amount of green energy to the Butte community.

Unfortunately, the planned solar farm and cryptocurrency expansion does not translate into dozens of permanent high paying technology jobs. It has been stated that in the end there will be only 5-10 jobs created. Future economic development and expansion resulting from this project has not been specifically defined, other than “pie in the sky” promises.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature: Albert Zolynski

Print Name: Albert & Denise Zolynski

Address: 74 Apple Orchard Rd.
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. **This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed.** There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ___________________________ Date 5-29-21

Printed Name ___________________________

Address ___________________________

JT 6-9-21
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ___________________________ Date 5/31/2021

Printed Name ___________________________

Address _____________________________

2980 Hannibal Street, Butte, MT 59701

RECEIVED
6-9-21
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. **This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed.** There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature: [Signature]  
Date: 06/01/21

Printed Name: [Shane Alseth]  
Address: 2930 Hannibal Street, Butte, MT. 59701

[Stamp: Received]
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ___________________________ Date 6/18/21

Printed Name Erik Edhner

Address 2036 Walnut St.
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

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Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature: [Signature]
Date: 6-8-21

Printed Name: [Printed Name]
Address: 881 Panhandle Rd, Divide MT

RECEIVED
6-9-21
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]

Date 6-8-21

Printed Name Timothy Eichner

Address 2035 Walnut St Butte MT 59701
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ______________________________ Date 6-8-2021

Printed Name Walter S. McIntosh

Address 95 Hidden Crk Butte MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701  

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108  

To Whom It May Concern:  

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.  

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!  

Sincerely,  

[Signature] Janet Paul  

Date 6/8/21  

Printed Name Janet Paul  

Address 2035 Walnut St, Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
155 W. Granite  
Butte, MT 59701

Letter of Opposition  
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately west of Butte.

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I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

Signature ________________________________ Date 6/18/2021

Printed Name Bill Bowden

Address 112 Winkie Way
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately West of Butte.

It is my understanding and knowledge that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will mainly benefit Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. It is also my understanding that the remaining power will be put on the grid. This power is up for bid that could be sold on the open market to out of state interests and may not benefit the Butte community. Currently, according to the Montana Standard Article of 3/28/21, by David McCumber, every one of Atlas Power’s thousands of Graphics Processing Units are mining Ethereum. As thousands more GPUs are added to the planned expansion, Kevin Washington may become the largest miner of Ethereum in the world. Unfortunately, this does not translate into thousands of high paying technology jobs, nor even dozens. The few workers that are required simply monitor the servers. The benefit of the planned expansion to Butte has not yet been demonstrated, other than the promises of high performance computing, or a programing academy.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost. It is always a tragedy when business moves into a town & rural areas with so called eco-friendly promises of riches and good stewardship.

I implore the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]

Name

36 Dry Bean Rd  Butte, MT 59701

Address
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFID area, immediately West of Butte.

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I implore the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[signature]

[Name]

569 Cottontail Lane, Butte

[Address]
May 24, 2021

Zoning Board of Adjustment

155 W. Granite

Butte, MT 59701

Letter of Opposition


To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately West of Butte.

It is my understanding and knowledge that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will mainly benefit Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. It is also my understanding that the remaining power will be put on the grid. This power is up for bid that could be sold on the open market to out of state interests and may not benefit the Butte community. Currently, according to the Montana Standard Article of 3/28/21, by David McCumber, every one of Atlas Power’s thousands of Graphics Processing Units are mining Ethereum. As thousands more GPUs are added to the planned expansion, Kevin Washington may become the largest miner of Ethereum in the world. Unfortunately, this does not translate into thousands of high paying technology jobs, nor even dozens. The few workers that are required simply monitor the servers. The benefit of the planned expansion to Butte has not yet been demonstrated, other than the promises of high performance computing, or a programing academy.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost. It is always a tragedy when business moves into a town & rural areas with so called eco-friendly promises of riches and good stewardship.

I implore the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,  Malissa Wilcox  Edward Wilcox

Malissa Wilcox  Edward Wilcox

Name  Mahayla Skinner  Edward Wilcox

Address  569 Cottontail Lane, Butte
Butte-Silver Bow Zoning Board of Adjustment
155 W. Granite
Butte, MT 59701

Letter of Opposition
Hearing: June 17 at 5:30 PM Courthouse Room 108

To Whom It May Concern:

I am opposed to the proposed location of the Basin Creek Solar Project that is affiliated with Atlas Power on the Gozden-McDermott Cattle Ranch Company. This area is zoned as residential and should primarily remain as such. This project will consume 1,600 acres (2 1/2 square miles between Basin Creek and Little Basin Creek) on which 700,000 solar panels will be installed. There are more appropriate areas conducive to such a vast, massive endeavor, such as the TFD area, immediately west of Butte.

It has been stated that a portion of the 300 Megawatts of power generated by the Basin Creek Solar Project will go directly to Atlas Power, the current cryptocurrency facility, along with its planned future expansion of an additional 8 cryptocurrency facilities. Atlas Power intends to use 75 megawatts of the total 300 megawatts of power annually even with the proposed expansion. The remaining power is able to go anywhere. It is my understanding that this remaining power will be put on the "grid" and sold on the open market to out of state interests without providing any tangible amount of green energy to the Butte community.

Unfortunately, the planned solar project and cryptocurrency expansion does not translate into dozens of permanent high paying technology positions. It has been stated in the end there will only be 5-10 jobs created. Future economic development and expansion resulting from this project has not been defined, or demonstrated, other than "pie in the sky" promises. It remains to be seen if the projected influx of millions of dollars in outside investment to the community will come to pass.

Does Butte deserve another industrial eye sore at the south end of town, or should we preserve the green space and quality of life afforded by our area? The entire dynamic of Butte and pastoral views of south Butte would be forever lost.

I strongly urge the zoning board to carefully consider the ramifications of the approval of the special use permit. Thank you for your time!

Sincerely,

[Signature]  
Date 6-1-21

Printed Name: Dawson Huff

Address: 425 Little Basin Creek
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

May 31, 2021

To Whom It May Concern:

I am writing this letter as written opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This proposal seeks to add a 1600 acre, 700,000 panel solar array to south Butte, and thus requests an exception to the current zoning of R1-S (single family suburban residential) to accommodate this industrial use.

The zoning ordinance R1-S found in Title 17.08 of the Butte-Silver Bow Municipal Code “…is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence use, and to provide protecting residential development.” In order to re-zone this area, there must be a compelling “public necessity” per BSBMC 17.52.010. This project does not meet that standard – it is a private venture intended to power a corporate holding at the expense of property values, wildlife habitat, and ecological diversity. It will have clear adverse effects including complete ecological destruction of the area; long-term, constant noise pollution associated with a massive multi-year construction project; and a decrease in property values due to the aforementioned. This project is not at all compatible with the existing neighborhood, and will radically change its character and natural features – to the detriment of future development of the community.

Furthermore, this project has not demonstrated that it will have long-lasting positive effects on our community. Only eight permanent jobs are projected to be the outcome of this development, and the surplus energy that is not used by the data center will be sold back to the grid, for profit by Northwestern Energy. There is no indication that this project will benefit Butte-Silver Bow such that the destruction of neighborhood character, property values, and wildlife habitat is justified.

I therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Signature

Date 6/11/2021

Printed Name Robert D. Marik Jr.

Address 1036 Wapiti Mountain Rd

Received 4-21-21
Butte-Silver Bow Zoning Board of Adjustment
c/o County Planning Department
Courthouse Room 108
155 W Granite St.
Butte, MT 59701

May 31, 2021

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Sincerely,

Signature: [Signature]
Date: 6/1/2021

Printed Name: Erica Vail

Address: 3401/2 Kennedy Ave

[Stamp: RECEIVED 6.2-21]
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

May 31, 2021

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I therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,  
Signature  

Susan A. Marik  
Date 5/31/21

Printed Name  

Susan A. Marik  

Address 1038 Wapiti Mountain Road
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

May 24, 2021

To Whom It May Concern:

This letter is written in opposition to a proposed change in zoning for the Basin Creek Solar Project by Madison River Equity LLC. This proposal seeks to add a 1600 acre, 700,000 panel solar array to south Butte, and thus requests an exception to the current zoning of R1-S (single family suburban residential) to accommodate this industrial use.

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Sincerely,

Pam M. Magnuson  
Karl Kraus

(Name and address)
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

May 24, 2021  

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We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

[Signature]

3320 S. Colorado St.  
Butte, MT 59701  
(Name and address)
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

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Sincerely,  

(Handwritten signature)  

(Name and address)
May 24, 2021

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We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

[Signature]

(NAME)

2530 Montana St.
Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment
C/o County Planning Department
Courthouse Room 108
155 W Granite St.
Butte, MT 59701

May 24, 2021

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Sincerely,

WENDY T. GRACE, MD

(Name and address)
197 Dry Bean Rd.
Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

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Sincerely,

(Handwrittensignature)

(Name and address)
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

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Sincerely,

[Signature]  
[Name and address]
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

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[Signature]

[Address]
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

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Sincerely,

[Signature]

(Name and address)  
Cindy Simpkins  
2935 State St  
Butte, MT 59701
Courthouse Room 108
155 W Granite St.
Butte, MT 59701
May 24, 2021

To Whom It May Concern:

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Sincerely,

Signature Ralph Booth, Carol Booth  Date 6/3/2021

Printed Name Ralph Booth, Carol Booth

Address 190 Elkhorn Ln, Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701  

May 24, 2021  

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Sincerely,  

[Signature]  

(Name and address)  

David J. Hester  
1309 Herman Ranch Lane  
Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

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The zoning ordinance R1-S found in Title 17.08 of the Butte-Silver Bow Municipal Code “…is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence use, and to provide protecting residential development.” In order to re-zone this area, there must be a compelling “public necessity” per BSBMC 17.52.010. This project does not meet that standard – it is a private venture intended to power a corporate holding at the expense of property values, wildlife habitat, and ecological diversity. It will have clear adverse effects including complete ecological destruction of the area; long-term, constant noise pollution associated with a massive multi-year construction project; and a decrease in property values due to the aforementioned. This project is not at all compatible with the existing neighborhood, and will radically change its character and natural features – to the detriment of future development of the community.

Furthermore, this project has not demonstrated that it will have long-lasting positive effects on our community. Only eight permanent jobs are projected to be the outcome of this development, and the surplus energy that is not used by the data center will be sold back to the grid, for profit by Northwestern Energy. There is no indication that this project will benefit Butte-Silver Bow such that the destruction of neighborhood character, property values, and wildlife habitat is justified.

We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Christie Cox

(Name and address)

Butte, MT 59701
Butte-Silver Bow Zoning Board of Adjustment  
c/o County Planning Department  
Courthouse Room 108  
155 W Granite St.  
Butte, MT 59701

May 24, 2021

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We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely,

Lisa Espolin
933 Hummingbird Lane, Butte MT 59701

(Name and address)
Butte-Silver Bow Zoning Board of Adjustment

c/o County Planning Department

Courthouse Room 108

155 W Granite St.

Butte, MT 59701

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Sincerely,

[Signature]

[Address]

[Phone Number]

[Date]

[Stamp] RECEIVED

[Date] 6-10-2021
Butte-Silver Bow Zoning Board of Adjustment

c/o County Planning Department

Courthouse Room 108

155 W Granite St.

Butte, MT 59701

May 24, 2021

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Sincerely,

[Signature]

[Name]
Butte-Silver Bow Zoning Board of Adjustment

c/o County Planning Department

Courthouse Room 108

155 W Granite St.

Butte, MT 59701

May 24, 2021

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We therefore request Butte-Silver Bow Zoning Board oppose the proposed special and/or conditional use permit for the Basin Creek Solar Project, and work with the developers to site the project in a more appropriate industrial location.

Sincerely, Eric C. Leber

540 Little Basin Creek Rd
Butte, MT
Basin Creek Solar Project

Butte-Silver Bow Special Use Permit

Butte-Silver Bow Zoning Board of Adjustment
155 West Granite Street
Butte, MT 59701

Submittal Date: April 21, 2021
Zoning Board of Appeals Meeting Date: May 20, 2021
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The following references are provided as general resources for understanding Solar Development:


Project Introduction

The proposed solar project comprises the development of Photovoltaic (PV) power generation through the installation of approximately 700,000 solar panels on an approximately 1630 acre property located in Silver Bow County. (See Appendix A)

The total estimated generation capacity is 300 MW, providing enough power to meet the needs of over 40,000 single family homes. If approved, this will be one of the ten largest solar projects in the United States. The generated power will primarily be consumed for the Atlas Power data center. There will be a connection to the grid to sell any excess generation. (See Appendix B)
Project Team

Property Owner:
Gozden-McDermott Cattle Company LLC
203 Black Angus Lane
Butte MT 59701-9746

Project Owner:
Madison River Equity, LLC
PO Box 17973
Missoula, MT 59808

Representative:
Cushing Terrell
13 N 23rd Street
Billings MT 59101
406.248.7455
BUTTE-SILVER BOW
ZONING BOARD OF ADJUSTMENT

APPLICATION FOR
SPECIAL AND CONDITIONAL USE PERMITS

Title 17 of the Butte-Silver Bow Municipal Code (Zoning) states that “special or conditional use permits for uses other than those specifically allowed in each district, are intended to provide more flexibility for the use of land in each zone where appropriate but specific safeguards are provided to protect other permitted uses from possible adverse effects.” Applications may be initiated by the property owner or his designated representative.

All questions must be answered in full and either types or legibly written. The application shall include but not be limited to the following information:

1. Owner(s) Name, Address and Phone Number:
   Gozden-McDermott Cattle Company LLC
   Recorded Owner
   203 Black Angus Lane Butte MT 59701-9746
   Address
   406.491.1116
   Phone Number

   Representative’s Name, Address and Phone Number:
   Cushing Terrell
   Name
   13 N 23rd Street Billings, MT 59101
   Address
   406.248.7455
   Phone Number

2. Address or General Location

   The subject property is comprised of approximately 1630 acres of the Gozden-McDermott Cattle Company. Located southwest of Butte, MT
3. A legal and general description of the tract(s) upon which the permit is sought:

TRACT 2, TRACT 5, TRACT 6, TRACT 7, TRACT 9, TRACT 10, AND TRACT 15 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN PORTIONS OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, THE SOUTH HALF (S1/2) OF SECTION 18 AND THE NORTHWEST QUARTER (NW1/4) OF SECTION 19. TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

ALL OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 8 EAST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO


ALSO

THE HARRINGTON LODE CLAIM, SURVEY #10016, AND NEW BUTTE LODE CLAIM, SURVEY #10016, IN SECTIONS 23 & 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

GOVERNMENT LOT NUMBERED ONE (1) OF SECTION TWENTY THREE (23) IN TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA, EXCEPTING THEREFROM ANY PORTION OF WHICH LIES WITHIN THE HARRINGTON LODE CLAIM AND NEW BUTTE LODE CLAIM, SURVEY No. 10016.

EXCEPTING

THAT PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA.

4. Specify details of proposed development/use:

The proposed solar project comprises the development of Photovoltaic (PV) power generation through the installation of approximately 700,000 solar panels on an approximately 1630-acre property located in Silver Bow County.

The total estimated generation capacity is 300 MW, providing enough power to meet the needs of over 40,000 single family homes. If approved, this will be one of the ten largest solar projects in the United States. The generated power will primarily be consumed for the Atlas Power data center. There will be a connection to the grid to sell any excess generation.

5. Attach an accurately drawn site plan showing major details of the proposed development, including but not limited to the dimensions and location of proposed and existing buildings and structures, off-street parking and loading, service and refuse areas, means of ingress and egress, landscaping, screening and signs. The site plan must be drawn at a minimum scale of one inch equals twenty feet (1" = 20’).
6. Timetable for development

August 2021 through November 2022

7. Covenants or deed restrictions on the property

_____ YES  ___X___ NO  (If yes, include a copy)

8. All plans, exhibits and other legal documents submitted with the application will be retained as part of the record.

9. The application shall be submitted to the Butte-Silver Bow Planning Department by the deadline date (see attached sheet) for the regularly scheduled meeting.

10. As indicated in Title 17 of the Butte-Silver Bow Municipal Code (Zoning) a nonrefundable filing fee ($100.00) must accompany the application with checks or money orders made payable to Butte-Silver Bow.

If there are any questions with completing the application, please contact the Planning Department for assistance at 497-6250.

PLEASE SECURE ANY OF THE NECESSARY PERMITS NEEDED (BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, ETC.) AFTER THE APPROVAL OF THIS APPLICATION
Briefly address the twenty review criteria as listed in Section 17.38.150 of Title 17 of the Butte-Silver Bow Municipal Code (Zoning) as follows:

**REVIEW CRITERIA FOR SPECIAL AND CONDITIONAL USES**

Section 17.38.150

1. The location, character and natural features of the property.
2. The location, character and design of adjacent buildings.
3. Substantial changes that have occurred in the surrounding land uses since the original adoption of this Ordinance.
4. Proposed fencing, screening and landscaping.
5. Proposed vegetation, topography and natural drainage.
6. Proposed vehicular access, circulation and parking, including that relating to bicycles and other unpowered vehicles and provisions for handicapped persons.
7. Proposed pedestrian circulation, including provisions for handicapped persons.
8. Proposed signs and lighting.
9. All potential nuisances.
11. The availability of public utilities and services.
12. Situations which prevent the utilization of the property for the full range of uses allowed in that district.
13. That the use or zone classification sought would enhance and promote the comprehensive development of the immediate neighborhood and community.
14. That the use or classification conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Ordinance.
15. That the use will promote or not substantially impede the conservation of resources and energy and the conservation policy of Butte-Silver Bow, State of Montana.
16. That the use meets the overall density, yard, height and other requirements of the zone in which it is located.
17. That the use or classification will not adversely affect nearby properties or their occupants.
18. Conformity of the proposed use with the Neighborhood Plan, if one has been adopted.
19. Compatibility of proposed project with existing adjacent buildings, structures, neighborhood, topography or other consideration.

20. Expressed public opinion relating to the criteria enumerated above, including the views of Neighborhood Associations.

I UNDERSTAND THAT THE FILING FEE ACCOMPANYING THIS APPLICATION IS NOT REFUNDABLE, THAT IT PAYS FOR THE COST OF PROCESSING AND THAT THE FEE DOES NOT CONSTITUTE A PAYMENT FOR THE SPECIAL/CONDITIONAL USE PERMIT REQUESTED.

ALL OF THE INFORMATION PRESENTED IS TRUE AND CORRECT.

[Signatures]

Property Owner(s) Name (Print) Property Owner(s) Name (Signature)

Property Owner(s) Name (Print) Property Owner(s) Name (Signature)

Property Owner(s) Name (Print) Property Owner(s) Name (Signature)
This page is intentionally left blank
Special Use Permit Criteria

Title 17 of the Butte-Silver Bow Municipal Code states that special or conditional use permits for uses, other than those specifically allowed in each zoning district, are intended to provide more flexibility for the use of land in each zone where appropriate but specific safeguards are provided to protect other permitted uses from possible adverse effects.

The following information addresses the twenty review criteria for considering the approval of a Special Use Permit as listed in Section 17.38.150 Butte-Silver Bow Municipal Code.

1. Location, character and natural features of the property

The subject property is comprised of approximately 1630 acres of the Gozden-McDermott Cattle Company. Located southwest of Butte, the property is outside City limits but within the zoned portion of Silver-Bow County. The property is currently used for livestock grazing and is vacant of structures.

The property character is agricultural, undeveloped ranch land. Immediately to the north and east are commercial and industrial developments. These developments are part of the South Butte TEDD and Butte Industrial Park, whose intent is focused on enhancing and diversifying industry and the Butte economy. Specifically the Basin Creek Power Plant, a natural gas substation and the Atlas Power data center are located on the north boundary of the project site. These two developments have created an area hub for energy generation and use. The remaining property is surrounded by low density residences associated with farming and ranching activity.

Natural features of the property include a gentle slope from west to east with the Little Basin Creek drainage bisecting the site. The elevation of Little Basin Creek is lower than the surrounding benches. Vegetation on the benches include a mixture of well established grassland and sparse trees with more riparian plants found closer to Little Basin Creek.

FIGURE 2: VICINITY MAP OF THE PROPERTY IN RELATION TO BUTTE
Floodplain

Firm Map number 30093C0320E indicates that Little Basin Creek flowing through the property is within a Special Flood Hazard Area (SFHA) subject to inundation by the 1% annual chance of flood. This area is designated as Zone A – where no base flood elevations have been determined. (See Appendix C)

FIGURE 3: FIRM MAP
Wetlands

The national wetlands inventory map shows freshwater emergent and freshwater forested/shrub wetlands along the reach of Little Basin Creek within the property. (See Appendix D)

A wetlands delineation is underway to confirm all wetland boundaries.

FIGURE 4: WETLAND INVENTORY MAP
2. Location, character and design of adjacent buildings

There are no buildings located on the property.

There are few buildings constructed on properties immediately adjacent to the project site. Existing buildings located on adjacent properties are industrial or rural residential.

The low density rural residential buildings include homes and out buildings associated with farming and ranching activity.

The area is dominated by energy production and industrial uses therefore the buildings found on adjacent properties are primarily warehouses, mechanical facilities, office spaces and equipment buildings.

The industrial buildings also include natural gas generation facilities (Basin Creek Power), a data center (Atlas Power), and other miscellaneous structures and uses.
FIGURE 8: ATLAS POWER BUILDINGS SOURCE: MT STANDARD

FIGURE 9: ATLAS POWER BUILDINGS SOURCE: MT STANDARD
3. Substantial changes that have occurred in the surrounding land uses since the original adoption of the Ordinance in 1978

The subject property has been actively ranced since at least 1978. Originally 1767 acres, the property has been under Gozden-McDermott Cattle Company since before 1978. The area has remained primarily a ranch and low density rural residential landscape for some time. According to historical aerial photos, buildings in the area have changed little over time.
While the local history ties the area to ranching, more recently industry and technology have played a role in current land use and future development. Beginning with the creation of the Butte Industrial Park Addition in 1971, the construction of the Basin Creek Power Plant in 2006 and more recently with the establishment South Butte Targeted Economic Development District (TEDD) in 2016 (See Appendix D). These uses, focused on energy, industry and technology represent the current character of the area and Butte’s industrial future.

The property immediately to the northeast of the project site has historic ties to the energy sector and industrial land use. The Mike Mansfield Advanced Technology Center (MMATC), which according to the 2016 Basin Creek Technology Park Targeted Economic Development Plan, was originally the Component and Integration Development Facility built, owned and operated by the US Department of Energy’s Office of Fossil Energy. The facility used federal funds to test “clean coal technology”.

In 1996, property ownership was transferred to MSE Technology Applications (MSE-TA). At its peak the Mansfield Center was home to over 300 employees working on testing, demonstration, and commercial application of a variety of waste treatment systems, magneto hydrodynamics (MHD) clean coal technology, as well as providing engineering services to a variety of public and private clients.

In 2019 the MSE Technology site was reinvented once again when it was sold to Cryptowatt, an energy intensive crypto currency mining facility. The facility was sold to Atlas Power, which is the current data center operator. Atlas Power is converting the facility into a high compute data center that is less energy intensive and will generate less sound.

Basin Creek Power Plant came on line in 2006. This is a privately owned natural gas power plant. According to a 2010 Montana Standard article, “its nine engines, each containing 16 cylinders, operate at 8,000 horsepower and can provide more than 50 megawatts of electricity.”

The Butte Industrial Park Addition has also evolved since the 1970’s to become a leading location to promote economic diversification and industrial uses in Butte. The area continues to be identified by community members as an appropriate location for industry.

Finally, in 2016, in an attempt to bring more business and industrial activity to the area, the County approved the South Butte TEDD. Through the creation of the TEDD, the County may direct property tax dollars that accrue from new development, within a specifically designated district, to community and economic development activities within this area. (See Appendix E)
FIGURE 14: SOUTH BUTTE TEDD BOUNDARY MAP
4. Proposed fencing, screening and landscaping

Fencing Layout

In order to protect panels from vandalism and tampering, and to prevent wildlife from damaging solar arrays, fencing will be installed throughout the site. (See Appendix F)

Using the natural topography of the site to maximize panel placement with minimal need for site modification, the site is divided into zones. Each zone will be comprised of panels and equipment and will be fenced and gated to provide effective protection and adequate vehicle and emergency access.

The fence will be placed a minimum of 25 feet from the panel racking.

Each fenced zone is sited and sized to avoid the Little Basin Creek drainage avoiding floodplain impacts, wetland impacts while maintaining a wildlife corridor through the site.

FIGURE 15: SITE PLAN (SEE APPENDIX A)
Fencing Design and Detail

Fencing will be constructed according to Montana Fish Wildlife and Park guidance for wildlife friendly fences. The site fence will include a highly visible top rail, high visibility wire, or flagging. (See Appendix F)

Deer and Elk Exclusion Fence

A permanent non-electric exclusion fence for deer and elk should be 7’ to 8’ high. A 7’ to 8’ wooden fence that animals can’t see through is typically used around housing areas. For gardens, vineyards, and other agricultural plots, 8’ woven wire fence is more often used with posts set at 8’ to 20’ intervals, and the wire is brought tight to the ground. Make the top highly visible by using a top rail, high-visibility wire, or flagging. Place gates at corners, where an accidentally trapped animal is more likely to find an escape.

A 7’ to 8’ fence is an effective barrier to elk, but should be used only for specific needs, such as gardens or haystack yards. Make the top highly visible with flagging, white tape or wire, or a rail.

FIGURE 16: MONTANA FWP WILDLIFE FENCE DETAIL

FIGURE 17: FENCE DETAIL
Screening & Landscaping

The surrounding topography in combination with the size and scale of the project makes screening of the entire project impossible. Instead, this proposal suggests ways for the community to capitalize on the significance of developing a green energy source with two gateway signs announcing the project site and a educational point of interest. This concept is in line with Butte’s history of mining memorials and historical points of interest, pointing to the future of energy development and the role Butte will play in its history. (See Appendix G)

The gateway signs will be located on the site property but visible from Basin Creek Road. A sign will be placed flanking each end of the site and visible to traffic heading north and south along Basin Creek Road. Each sign will be graphically designed to call attention to the project site and may include low maintenance native landscaped elements to enhance the visual appeal.

The educational point of interest is proposed at a midway point of the project site. Using an existing approach from Basin Creek Road, a vehicle pull off will be constructed on the project property. The pull off will include point of interest signs with information describing the significance of the project as well as native low maintenance plantings and access to a walking path. The intent of this area is to provide visitors a vantage point to overlook the project site, view the panels and learn more about the technology. Using an existing abandoned railroad path, the gravel walking path will also be installed to encourage visitors to get out of their vehicle and learn more about the project.

The project owners will also work with adjacent property owners to provide reasonable resources for landscape screening on their property.

FIGURE 18: GATEWAY & PULL OFF LOCATIONS
5. Proposed Vegetation, Topography and Natural Drainage

The proposed project will not significantly modify the drainage patterns on the property. The panel racking foundation will be helical screws, ground screws, or driven piles depending on the soils at any given location of the site.

The PV system proposed for this project does not require the complete removal of all surface vegetation because the panels will be mounted above the ground and angled for solar optimization.

Existing commercial solar arrays have shown that vegetation productivity was not affected by the development of a solar site. Vegetation returned to its native state once construction was complete. The return of vegetation, whether naturally or introduced, can support wildlife cover, nutrient cycling and soil retention.

Ground disturbance required for the installation of the panels and equipment will be replanted with a native seed mix and maintained through a Weed Management Plan developed to meet the applicable local standards. The site will be mowed for maintenance and the reduction of fire hazard.

No panels are proposed within the Little Basin Creek drainage. By avoiding panel placement within the drainage area, there will be no disruption to the stream channel or adjacent riparian area.

Additionally the presence of the panels on the site will not alter natural drainage patterns. When a rain or snow event occurs, precipitation runs off the panel face onto the natural ground cover. Additionally the rain shadow created by a row of solar panels provides natural abstraction to up gradient runoff. This results in no change in impervious area that would alter the runoff coefficient. (See Appendix H)
6. Proposed vehicular access, circulation and parking, including that relating to bicycles and other unpowered vehicles and provisions for handicapped persons

Vehicular Access
Existing access points to the property are located off Basin Creek Road. Together they will provide the primary access points to the site.

As required, each approach will be improved to meet current Montanan Department of Transportation and Silverbow County specifications allowing construction and maintenance vehicles to fully pull off the roadway without having to open a gate. (See Appendix I)

The project site falls outside Butte’s 2010 Urban Boundary and Basin Creek Road is considered a Major Collector road. Major Collectors gather vehicular traffic from Local Roads, funneling it to the arterial road network. These roads are designed to provide movement for traffic and to deliver vehicular access to residential, business and industrial areas and are expected to meet the needs of the proposed use as currently designed.

Circulation & Parking
Circulation throughout the site for maintenance and repair of the panels will primarily consist of ATVs and trucks. The panels will be spaced with 25 foot clearance between rows to provide adequate room to maneuver vehicles. (See Appendix J)

Though the need is unlikely, the travel lanes between panels are large enough to provide access for emergency vehicles.

No new parking lots are planned for the site.

Repair and maintenance vehicles will park throughout the site as necessary. Additionally, existing parking located on the Atlas Power property will be shared when needed.
Figure 20: Typical Approach Detail

Figure 21: Typical Panel Layout Detail
Construction Access:
There will be two lay-down yards established within the boundaries of the project area. The primary lay-down yard will be established on the north central end of the project. A second smaller material staging yard will also be established on the south end of the project. We would like to establish road access for both yards of off Basin Creek Rd. These accesses would encroach on the county right of way and require permits, they would be constructed per all applicable standards and are expected to be stabilized gravel approaches wide enough to accommodate truck traffic.

Temporary signage will be placed on Basin Creek Road to warn motorists of the truck traffic entering and existing from these two locations. The approaches will be located to ensure adequate site distance on Basin Creek Road.

The north end of the site also contains a rail access point. While it is expected that most deliveries will come by truck the option to ship materials by rail is also being evaluated and if it is feasible both from an economic and schedule perspective, it will be utilized. (See Appendix K)
7. Proposed pedestrian circulation, including provisions for handicapped persons

The solar array will be fenced off and unavailable for public access. However, a vehicle pullout, educational point of interest, and walking path will be developed off of an existing access from Basin Creek Road. (See Appendix G)

Pedestrians will be able to walk the short gravel path to view the panels and learn more about the project.

Repair and maintenance technicians and emergency response personnel may circulate throughout the site following the row spacing.

8. Proposed signs and lighting

Signs will be limited to the previously mentioned informational signs placed adjacent to Basin Creek Road to announce the project location and educational point of interest pull off.

Additionally, low and medium voltage warning signs will be installed on the fencing at regular intervals.

No lighting is proposed for this project.

FIGURE 23: WALKING TRAIL LOCATION
9. All potential nuisances

In general, solar energy generation creates minimal nuisance to the site and surrounding properties. Solar energy is a renewable, green resource and will not generate air or water pollution associated with other methods of energy development. In addition, solar energy uses zero water per megawatt hour to operate.

Once constructed, the array will not produce any odor or excessive traffic. PV panel materials are enclosed, and do not mix with water or vaporize into the air.

The panels and components are designed and fabricated using resilient materials such as tempered glass able to withstand weather and exposure to the natural environment over time and will require minimal maintenance and repair. The life span of each panel is 25-40 years.

**Noise**

Ground-mounted solar PV array inverters and transformers make a humming noise when the sun is out and when the system is generating electricity.

According to product specifications, the noise will register approximately 67 decibels. Refer to the decibel chart below for comparison.

![Decibel Chart](https://www.sylvan.com)

**FIGURE 24: DECIBEL CHART SOURCE:SYLVAN.COM**
Visual Impacts
The visual impact of the project was studied using digital 3D modeling and topographical analysis. Refer to the attached imagery in the Appendices for imagery. (See Appendix L)

Also, refer to the following link to view a video animation of the viewshed analysis.

https://vimeo.com/534910016/b24b048003

The perimeter of the subject property is over 8 miles long. Assuming one tree is placed every five feet would result in 8500 new trees. There are likely not enough trees available in nurseries to provide this amount of trees.

Perimeter screening of this magnitude also creates a larger impact on the viewshed to the surrounding mountains and expanses we are used to in Montana.

As discussed Section 4, the property owners will work with adjacent property owners to provide reasonable resources for landscape screening on their property.
Wildlife Corridors & Riparian areas
Thoughtful arrangement of the panels within the project site was a priority for the design team. By placing the panels away from the Little Basin Creek drainage, the site maintains a continuous travel route through the site conducive to wildlife.

Additional flexibility for wildlife travel through the site is enhanced through the use of panel zones. The typical panel layout depicts typical spacing within each zone. (Appendix M)

One study conducted by the National Renewable Energy Laboratory proved that re-vegetation of solar sites after construction was not only possible but could provide sufficient ground cover to control erosion and restore wildlife habitat. While the project fencing will allow small wildlife to enter the panel area, larger animals like elk and deer will be unable to access the site as they may cause damage to the panels and equipment.

Stormwater, Erosion & Sediment Control
During construction, any site disturbance will be planned for and mitigated using Best Management Practices as required in the Storm Water Pollution Prevention Plan (SWPPP) within the Montana Storm Water Construction Permit. Due to minimal impacts on site drainage, no additional stormwater controls are required after construction is complete.

FIGURE 26: TYPICAL BOUNDARY CROSS SECTION
Ambient Temperature
There is no evidence to indicate that PV solar arrays cause higher ambient temperatures in the surrounding area.

According to a 2015 report compiled by the State of Massachusetts, since solar panels absorb photons from direct sunlight to convert it to electricity, there is minimal impact to surrounding area temperature.

Decommissioning
The typical life of a solar PV panel can be 25-40 years, or even longer. At the time of decommissioning, panels may be reused, recycled or removed and disposed of. The State of Montana requires a decommissioning plan and bonding when solar facilities are connected to the grid like the one proposed for this project. A plan and cost estimate must be submitted to the department within one year of the operational date. After 15 years of operation an evaluation of the original cost estimate will be re-evaluated with the State of Montana. At that time, the bond for remediation will be posted with the state.

Construction
Similar to other construction efforts, the installation of the array may cause short-term disturbance including equipment noise, site grading, soil erosion and compaction from heavy equipment used to construct the arrays. However, these are only temporary impacts experienced during the construction phase of development.

The selected project contractor will be responsible to maintain the SWPPP during construction.

Hours & Schedule:
Expected work hours are 6 10’s, 7:00 AM - 5:30 PM, Monday through Saturday.

Noise:
The majority of the required construction equipment is relatively light duty construction equipment, skid steers (Cat 299), medium sized excavators (Cat 321) and forklifts (Cat TL 1055D). These machines will produce noise comparable to that of any construction project; diesel engines running, steel tracks driving and back-up alarms beeping. There are a limited number of nearby residents that will be effected by this limited noise nuisance level, roughly estimated at 10 residences within a 2,000’ radius of the project’s disturbance limits.

Work at on the perimeter of the project, where the residences are located, will be limited to only foundation, racking, panel installation and exterior fencing. The more heavily trafficked main lay-down yard and main travel corridors are located more interior to the project and further away from these few residences.

The panel racking foundation will be helical screws, ground screws, or driven piles depending on the soils at any given location on the site. The installation of driven steel piles produces a louder metal on metal pounding noise. We are making all attempts to reduce the need for piles for both economical and disturbance reasons.
Visual Impacts:
No night work is expected. Construction lighting will likely be required to maintain standard 10 hour work days through the winter months as daylight hours decrease. We plan to work 7:00 AM - 5:30 PM.

Air Quality:
Exhaust gases from construction equipment and dust from construction equipment travel are the only sources to potentially impact air quality. To mitigate these potential impacts, all construction equipment will be compliant with the federal, state and local emissions and air quality standards and construction travel areas will be watered as needed to reduce dust produced by vehicle and equipment travel.

Storage/staging of materials:
All materials will be stored within the boundaries of the project area but outside of the floodplain and designated wetlands. The primary lay-down yard will be establish on the North central end of the project. This will border the existing Basin Creek Power Plant and reduce potential nuisance impacts by pairing similarly industrial/construction property uses near each other. A second smaller material staging yard will also be established on the south end of the project. This second material staging area will be central to the project and avoid nuisance due to its setback.

FIGURE 27: CONSTRUCTION SEQUENCING SITE PLAN
Glare
Concerns that solar photovoltaic arrays cause glare are common. Modern PV panels reflect as little as two percent of incoming sunlight, about the same as water and less than soil or even wood shingles.

Much of the misconception surround solar and glare is likely due to confusion between solar PV and concentrated solar power (CSP) projects, which use a system of large mirrors to direct sunlight. The purpose of solar panels is to convert sunlight into electricity. By design, solar PV panels do not reflect substantial amounts of sunlight since sunlight will not produce electricity if reflected.

All PV panels are coated with anti-reflective materials that allow light to pass through but not reflect off of the panel.

FIGURE 28: THE DENVER INTERNATIONAL AIRPORT FEATURES A 2MW PV SYSTEM. SOURCE:WWW.NREL.GOV
10. Public Health and Safety

Fire
The project site perimeter and spaces in between panel rows will be mowed once or twice a year to create a vegetation buffer.

The owner is also interested in continuing to use the property for grazing. Utilizing the site for grazing will promote continuous maintenance of vegetation height with minimal impact.

Reestablishing ground cover after construction is complete is a project priority. Successful establishment of low-growing plants and grasses does not interfere with solar panels’ energy production and will minimize fuel load for potential wildfires.

The project owners are working on an Emergency Response Plan with local officials to aid in agency safety and response.

Vandalism
The proposed array site will be fenced and gated to prevent public access. Fencing will be installed around each zone in order to prevent the public from coming into contact with or tampering with the panels.

The National Electric Code requires that measures are taken to ensure panels and other equipment are “not readily accessible” and the proposed fencing plan will comply with this requirement.

In addition to fencing, wireless security cameras will also be installed at each gated entrance for further deterrence.

Emergency Response Plan
The project owner is prepared to provide a copy of the project summary, an electrical schematic and site plan to local authorities and work with emergency service providers to develop an emergency response plan.

Electric and Magnetic Fields
Solar PV panels and other components that make up the proposed solar array produce extremely low frequency EMF when generating and transmitting electricity.

According to the 2015 MA report these frequencies are equivalent as those generated from household electrical appliances, and wiring in buildings.
Public Health and Safety during construction
Consideration of health and safety issues is a project priority. Barnard Construction has been hired to complete the construction effort of the proposed project.

Construction Access
There will be two lay-down yards established within the boundaries of the project disturbance area. The primary lay-down yard will be established on the north central end of the project. A second smaller material staging yard will also be established on the south end of the project. We propose to establish road access for both yards of off Basin Creek Rd. These accesses would encroach on the road right of way and require permits, they would be constructed per all county standards and are expected to be stabilized gravel approaches wide enough to accommodate truck traffic.

Temporary signage will be placed on Basin Creek Road to warn motorists of the truck traffic entering and exiting from these two locations. The angle and width of the access will be design such that truck traffic can safely enter the site without stopping traffic on Basin Creek Road.

The north end of the site also contains a rail access point. While it is expected that most deliveries will come by truck the option to ship materials by rail is also being evaluated and if it is feasible both from an economic and schedule perspective, it will be utilized.

Material Deliveries
The major materials required for the project will be foundations, racking and panels. These materials typically ship to the project in shipping containers, via truck or rail. Almost all materials will be shipped in standard sized loads and require no special permitting. Deliveries to the project will be near constant throughout construction but major deliveries to the project of foundations, racking and panels will increase the frequency of deliveries for a peak delivery period of a couple months. As manufacturing is completed, these materials will ship directly from the factory to the project site. It will be commonplace for 10-20 trucks to arrive and be unloaded per day during this peak delivery time. Throughout the remainder of construction, it will be commonplace for 1-2 trucks to arrive per day.

Material Storage
These deliveries will come to one of the two material yards where they be unloaded by yard crews. Yard crews will verify shipping documentation unload and inspect the material. The materials will be placed in the yard and re-loaded onto smaller flatbed trailers for transport out into the array. They will then be staged throughout the array prior to installation so installation crews already have the materials they need in the field, minimizing travel traffic back to the yard. All materials will be palletized or placed on wood skids when stored in the yard or placed in the array for installation.
One of the first activities to be completed on the project, after an access, roads and a lay-down yard are established, will be fencing of the project site.

By establishing this fencing boundary early in the project schedule, it will ensure that the public cannot enter the project site and access areas that could pose a safety hazard. The only openings in this fencing will be at the two access points. Gates on these two access points will be closed and locked at night and the project site will be monitored by security during all non-working hours. If public traffic were to enter these gates during working hours, the access road would direct them from there to the lay-down yards where construction employees can approach the public and direct them to the project office for any questions, concerns or issues.

Other considerations
Barnard is committed to providing world-class safety performance. This is not just for our people; it includes the people working for our clients, subcontractors, the public and the facilities we work in and around. Barnard’s Executive Team provides leadership in Safety on all levels, from Corporate Executives, Project Superintendents and Project Managers, to Craft Supervisors at the crew level. Executive Management is involved in the review of all project incidents and the corrective action plans. Intentionally improving the communication of Safety throughout each day and at each project and identifying crew members who are most likely to take risks are also part of this commitment to continuous improvement. Barnard will take the lead in ensuring that the Basin Creek Solar Project is conducted in a safe manner, from Project kickoff through completion.
11. The availability of public utilities and services

The proposed project will generate electricity and does not include a connection to a Battery Energy Storage System (BESS). Without a BESS, the solar array will connect to the existing electrical substation at the Atlas Power data center facility which has an interconnect with the electrical grid.

No other public utilities are required for project development.

12. Situations which prevent the utilization of the property for the full range of uses allowed in that district.

The property is currently zoned as One Family Residential (R1) and Mobile Homes Suburban (R4S). (Appendix N & O)

The R-1 zone is intended primarily for the use and protection of one-family residences.

The R4-S zone is intended primarily to provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residence where manufactured homes are permitted and to provide certain areas wherein a partial agricultural atmosphere is retained. It is intended that these aims should be accomplished by permitting farming under specified conditions protecting residential development.

While both zones are currently zoned residentially, according to the 2020 Comprehensive plan, this is not an area where Butte would like to see additional development of homes. Rather, the solar development provides an appropriate transition from heavy industrial land use in the northeast to the adjacent rural properties.
FIGURE 29: BASIN CREEK AREA ZONING
13. That the use or zone classification sought would enhance and promote the comprehensive development of the immediate neighborhood and community.

The proposed project is located in an area of Butte that has historically been targeted for industrial and economic development. Beginning in 1971 with the creation of the Butte Industrial Park Addition, followed by the US Department of Energy facility (now home to Atlas Power), the area is rooted in commerce and industry. (See Appendix P)

Rural residences are also present in the area. These varying tract sizes currently have single family residences or are vacant. The development of the solar array on the property adjacent to the Atlas Power data center will bring predictability to a large area and provide a buffer between existing and future industrial uses and the surrounding rural residential properties.

After construction and installation is complete, the solar array is expected to create little to no additional traffic to the surrounding roadways which compliments the existing rural lifestyle.

Further, according to the 2020 Comprehensive plan community members have stated that existing industrial areas are the most appropriate place for similar development in the future. The project site is adjacent to an existing industrial use and the development of a solar array at this location will promote a comprehensive development pattern in the area, one that aligns closely with this community vision.

FIGURE 30: EXISTING INDUSTRIAL LOCATIONS VICINITY MAP
14. That the use or classification conforms generally to the objectives of the adopted comprehensive plan and to the purpose of this Ordinance

According to survey results collected during the recent effort to update the comprehensive plan, area residents voted where they favored future residential development to occur. The subject property is not located within one of these priority areas noted for future housing development nor in a natural area residents thought needed protection. Therefore utilizing the property for the solar array aligns with the comprehensive plan and does not conflict with community priorities.

Further, the project site is located adjacent to an area selected for the County to focus on economic development efforts and where Butte-Silver Bow wishes to encourage diversification of current economic drivers. The solar array is designed to support an existing local business and is considered an innovative, green approach for energy generation, thus aligning with the community desire to encourage economic diversification adjacent to an area prioritized for its economic potential.

Place Type
The subject property is assigned the “Working Lands” place type designation and is located adjacent to Rural Residential and Economic Driver place types on the Comprehensive Plan Place Type Map. These categories represent existing conditions and future community needs.

According to the comprehensive plan, limited Resource Extraction is recognized as an appropriate future land use for the Working Lands place type. The proposed solar array shares similarities with resource extraction activities and therefore aligns with Working Lands place type. For example, both activities have finite lifespans under which the site remains active. Current technology proposed for this project is estimated to actively generate electricity for 25-40 years after which

![Place Type Map](image)

**FIGURE 31: PLACE TYPE MAP**
the panels will be removed or replaced with updated technology for ongoing renewable energy generation. Further, both rely on the physical characteristics of the site to direct where activity occurs. For the proposed project, the site was selected based on its gradual sloping terrain, expansive, open grasslands and proximity to existing Atlas Power data center.

While solar power generation shares similar characteristics to resource extraction, the solar array will cause fewer impacts to the property and surrounding area than resource extraction activities. Unlike resource extraction, after they are installed, there will be little to no activity on the site that will generate dust or impact water, soil or air quality.

Finally, like certain resource extraction sites, the proposed project will undergo a decommissioning effort. The State of Montana oversees decommissioning for solar fields meeting certain criteria and requires a decommissioning plan and bonding when solar facilities are connected to the grid. This plan must be submitted within one year of operation. At 15 years into operation, a bond evaluation is completed in order to ensure that proper removal and any restoration efforts are complete. The bond is also posted to the state at this time.

The proposed solar array project also generally conforms to the goals outlined in the 2020 comprehensive plan. These included:

Provide economic opportunity though innovation, enhancing Butte-Silver Bow’s economy by thinking “outside the box”
- Expand opportunities for industry to allow a broad mix of uses and intensities

The Special Use Permit process allows the Zoning Board of Adjustment to “think outside the box” and consider uses not recognized in the adopted code.

In addition, the project will result in a significant revenue increase to Butte-Silver Bow’s tax base over the existing land use, as well as if the property were to be developed per the current zoning.

Approval of the proposed solar array project at this location conforms to the notion of supporting efforts to expand opportunities for industry and allow for a broad mix of uses and intensities that may not have been considered at the time the regulation was drafted.

Ensure a clean and healthful environment for all residents, regardless of age, gender, economic status or where you live in Butte-Silver Bow.
- Protect sensitive wetlands and riparian areas in the County.

Solar energy generation does not emit green-
house gases nor does it produce waste water that must be treated or disposed of. Supporting the development of the proposed project promotes industry and commerce yet aligns with the community goal to ensure a clean a healthful environment.

Wetlands & Riparian Areas
The panel layout avoids placement of panels or disruption to the Little Basin Creek drainage.

A wetlands delineation is currently being completed and should have jurisdictional concurrence by July 2021.

15. That the use will promote or not substantially impede the conservation of resources and energy and the conservation policy of Butte-Silver Bow, State of Montana

The proposed project will promote resource and energy conservation in Butte-Silver Bow. In fact, the scope of the project has the capacity to impact energy and resource conservation for the entire State of Montana. (See Appendix Q)

Existing energy demand on state resources will be relieved. With a proposed capacity of approximately 300 Megawatts (AC Nameplate Generation Capacity), the project will almost be double the renewable energy production in the state. This includes wind, solar, and geothermal energy combined. There is not a more clean and healthy way to generate electricity than using solar energy.
16. That the use meets the overall density, yard, height and other requirements of the zone in which it is located

No buildings are included in the proposed project. The project scope includes the installation of approximately 700,000 panels, 44 inverters and all necessary electrical connections. See the graphic titled “Electricity Conversion” to learn more about the panels, inverters and racking system in the appendix. (See Appendix P)

The panels themselves are attached to a 3-4 foot racking system that is affixed to the ground. (See Appendix Q)

Total structure height will not exceed 12.54 feet and meets the height requirements for the R1 and R4S zone.

Building and Accessory Structure Height Limits in R1 Zone
- Hip or gable roof 16 feet maximum
- Gambrel roof 14 feet maximum
- Flat roof 13 feet maximum

Building and Accessory Structure Height Limits in R4S Zone:

No building shall exceed two and one-half stories nor thirty-five feet in height, except schools, churches, and structures which are part of any use that this title allows by a conditional use permit from the board of adjustment.

![Figure 33: Typical Panel Detail](image)
17. That the use or classification will not adversely affect nearby properties or their occupants.

The generation of solar electricity at the property as proposed will not adversely affect nearby properties or their occupants. Solar energy is a renewable, green resource and will not generate air or water pollution associated with other methods of energy development. In addition, solar energy uses zero water per megawatt hour to operate and will not compete with neighboring properties for water.

Once constructed, the array will not produce any odor or additional traffic. PV panel materials are enclosed, and do not mix with water or vaporize into the air.

The development of the solar array will bring predictability of future land use to a large tract of land and provide a buffer between existing industrial and energy production uses and the surrounding rural residential properties.

While the panels can be seen from surrounding existing residences, the project owners will work with these property owners with a desire to mitigate the visual impact.

Potential nuisances were considered and further addressed in a previous section.

18. Conformity of the proposed use with the Neighborhood Plan, if one has been adopted.

No Neighborhood Plan has been adopted in this area.
19. Compatibility of proposed project with existing adjacent buildings, structures, neighborhood, topography or other consideration.

Adjacent Buildings & Structures
The most dense development of adjacent buildings is immediately to the north and east where previously discussed commercial and industrial development exist. These buildings include a natural gas power generation plant (Basin Creek Power), a data center (Atlas Power), and numerous other industrial, manufacturing, storage, and commercial buildings. Other buildings are residences associated with farming and ranching activity.

The solar panel structures are compatible with the industrial buildings and uses currently located on the adjacent Atlas Power property and at the Basin Creek Power Plant due to their compatible uses. Additionally, the solar energy generation proposed for this project is considered innovative and will use state of the art equipment and technology. This will compliment the existing industrial and commercial uses found in the Butte Industrial Addition and South Butte TEDD, both of which are focused on sustaining existing commercial uses and diversifying local industry. (See Appendix N)

Rural residences are also present in the area. These tracts vary in size and currently have single family homes or are vacant. The development of the solar array at this location will bring predictability of future land use to a large area and provide a buffer between existing industrial and energy production uses and the surrounding rural residential properties.

FIGURE 34: AERIAL PHOTO OF ADJACENT BUILDINGS
Neighborhood
The project site is approximately 1630 acres in size and therefore is adjacent to several rural residential properties.

To the northeast, the proposed project is located in an area of Butte that has historically been targeted for industrial and economic development. The South Butte TEDD, the Butte Industrial Park Addition, the Basin Creek Power Plant and the Atlas Power property are prominent in the area provide the framework for future commercial/industrial development in the neighborhood.

An electric substation and data center are currently located in the area. These two properties anchor the commercial/industrial nature of the area. The solar panel structures are compatible with the existing industrial and commercial neighborhood and the generation of solar power is compatible with industrial and commercial activities already conducted in the area.

Rural residential properties are also adjacent to the project site. The proposed solar panel array is designed to result in minimal nuisance to surrounding properties.

After construction and installation is complete, the solar array is expected to create little to no additional traffic to the surrounding roadways. It is expected that maintenance vehicles will generate less traffic than existing ranch traffic that will be replaced.

Once constructed, the array will produce little noise, none of which will be audible from surrounding residences. Neighbor can expect no odor or excessive traffic all which compliment surrounding residential uses.

Finally, during the winter months (Nov-Feb) Atlas power will be using 100% of the power Generated from Basin Creek. However, during the Spring/Summer/Fall months, when Basin Creek is generating more power than what Atlas Power consumes, this excess power will be exported into the grid. This is expected to be around 50MW of generation for roughly 6hrs a day.
Topography
There are no plans to modify the property topography or natural drainage patterns. The panel racking system avoids having to install a large concrete pad to affix the racking system thus facilitates installation to take place with minimal disturbance to the site.

The PV systems proposed in this project does not require the complete removal of all surface vegetation because the panels will be mounted above the ground and angled toward the sun’s greatest light.

Any ground disturbance that may be done in order to install the panels will be replanted with a native seed mix.

No panels are proposed within the Little Basin Creek drainage. By avoiding panel placement within the drainage area, there will be no disruption of water flowing through this existing drainage.

FIGURE 35: EXISTING INDUSTRIAL USES VICINITY MAP
20. Expressed public opinion relating to the criteria enumerated above, including the views of Neighborhood Associations

Efforts to collect public opinion will be made prior to the scheduled hearing. While these events are planned, they will be held after the Butte-Silver Bow deadline to submit an application for a Special Use Permit. As such the results of the public events will be presented as an appendices to this submittal at the hearing.

Two, three hour Open Houses are planned to encourage property owners to meet with technical staff and project leaders to learn more about the project.

Tuesday, May 4, 2021 from 4-7pm
Tuesday, May 11, 2021 from 4-7pm
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Appendix A

Basin Creek Solar Project Site Plan
Appendix B

Solar Panel Specifications
APA’s TITAN Duo can tackle even the most challenging of sites. The dual ground screw foundation is the perfect solution for glacial till, cobbles, hardpan and even solid bedrock. The heavy walled tube and welded connections allow for massive amounts of torque and pressure to be applied helping the screw to advance into even the toughest soils.

Designed by installers for installers, the TITAN is the most advanced hardware in the industry. The TITAN’s unique asymmetrical design and innovative features allow for flexibility in the field while streamlining the install process. The 3-rail design is an excellent solution for bifacial modules with low backside shading.

With the lowest part count per MW, integrated grounding and cable trays, and 30% faster module install speed, the TITAN is installers preferred choice. The TITAN Duo comes standard with dual 3” diameter ground screws for rocky soil conditions.

In business since 2008, APA offers the most versatile line of racking and foundation solutions for projects in even the most challenging environments. With projects nationwide, APA is a trusted quality racking partner.

**STANDARD SPECIFICATIONS**

- **Engineering:** ASCE 7-10/CPP Wind Tunnel Tested
- **Grounding:** Fully Integrated UL2703
- **Rack Coating:** Galvanized, G90
- **Screw Coating:** ATSM 123
- **Wind Loading:** Up to 165mph
- **Snow Loading:** Up to 100psf
- **Mounting Orientation:** 2 High Portrait
- **Warranty:** 25 Years
- **Foundation:** Dual Ground Screws
- **Tilt Angles:** 5-35 degree tilt options

**DUAL GROUND SCREWS**

**Designed by installers for installers, the TITAN is the most advanced hardware in the industry. The TITAN’s unique asymmetrical design and innovative features allow for flexibility in the field while streamlining the install process. The 3-rail design is an excellent solution for bifacial modules with low backside shading.**

**With the lowest part count per MW, integrated grounding and cable trays, and 30% faster module install speed, the TITAN is installers preferred choice. The TITAN Duo comes standard with dual 3” diameter ground screws for rocky soil conditions.**

**In business since 2008, APA offers the most versatile line of racking and foundation solutions for projects in even the most challenging environments. With projects nationwide, APA is a trusted quality racking partner.**
STANDARD SPECIFICATIONS

Engineering: ASCE 7-10/CPP Wind Tunnel Tested
Grounding: Fully Integrated UL2703
Rack Coating: Galvanized; G90
Pile Coating: G235
Wind Loading: Up to 165 mph
Snow Loading: Up to 100 psf
Mounting Orientation: 2 High Portrait
Warranty: 25 Years
Foundation: Driven C-Pile
Tilt Angles: 5-35 degree tilt options

POWERHOUSE PILES

The TITAN comes standard with the industry’s strongest C-pile. The Powerhouse Pile allows APA to use a cost-effective C-pile, while maintaining the strength of a driven I-beam. Roll forming C-piles allow for additional hole patterns for adjustability, heavy galvanized coatings, and shorter lead times, all while still maintaining an aggressive price point.

Designed by installers for installers, the TITAN is the most advanced hardware in the industry. The TITAN’s unique asymmetrical design and innovative features allow for flexibility in the field while streamlining the install process.

With the lowest part count per MW, integrated grounding and cable trays, and fully integrated module Gravity Clip, the TITAN is installers preferred choice. The 3-rail design is an excellent solution for bifacial modules with low backside shading.

In business since 2008, APA offers the most versatile line of racking and foundation solutions for projects in even the
BiHiKu5
460 W ~ 480 W
BIFACIAL POLY PERC
CS3Y-460|465|470|475|480PB-AG

MORE POWER

- Module power up to 480 W
- Module efficiency up to 20.3%
- Up to 11.5% lower LCOE
- Up to 3.2% lower system cost
- Comprehensive LID / LeTID mitigation technology, up to 50% lower degradation
- Compatible with mainstream trackers, cost effective product for utility power plant
- Better shading tolerance

MORE RELIABLE

- Carbon footprint reduced up to 25%
- Minimizes micro-crack impacts
- Heavy snow load up to 5400 Pa, wind load up to 2400 Pa*

12 Years
Enhanced Product Warranty on Materials and Workmanship*

30 Years
Linear Power Performance Warranty*

1st year power degradation no more than 2%
Subsequent annual power degradation no more than 0.45%

* According to the applicable Canadian Solar Limited Warranty Statement.

MANAGEMENT SYSTEM CERTIFICATES*

- ISO 9001: 2015 / Quality management system
- ISO 14001: 2015 / Standards for environmental management system

PRODUCT CERTIFICATES*

- IEC 61215 / IEC 61730 / CE / INMETRO
- UL 61730 / IEC 61701 / IEC 62716 / IEC 60068-2-68
- Take-e-way

* The specific certificates applicable to different module types and markets will vary, and therefore not all of the certifications listed herein will simultaneously apply to the products you order or use. Please contact your local Canadian Solar sales representative to confirm the specific certificates available for your Product and applicable in the regions in which the products will be used.

CSI Solar Co., Ltd. is committed to providing high quality solar products, solar system solutions and services to customers around the world. Canadian Solar was recognized as the No. 1 module supplier for quality and performance/price ratio in the IHS Module Customer Insight Survey, and is a leading PV project developer and manufacturer of solar modules, with over 50 GW deployed around the world since 2001.

* For detailed information, please refer to the Installation Manual.
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Appendix C

Area Flood Insurance Rate Map
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Appendix D

USFWS National Wetlands Inventory Map
March 24, 2021

Wetlands
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Riverine
- Lake
- Other

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
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Appendix F

Typical Fence Detail
WILDLIFE FENCE

SCALE: 1" = 2.5'

8" Ø WOODEN FENCE POST.
WOVEN WIRE FENCE
BRIGHT COLORED FLAGGING SPACED EVERY 4 FEET ALONG TOP OF FENCE
NATIVE GRASSES
NATIVE GROUND
Appendix G

Gateway Sign & Pull Off Locations
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Appendix H

Runoff Detail
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DRAINAGE NOTES

1. NO MASS GRADING THAT WOULD ALTER EXISTING DRAINAGE PATTERNS.
2. PANEL RUNOFF TO ADJACENT GROUND.
3. THE RAIN SHADOW CREATED BY A ROW OF SOLAR PANELS PROVIDES NATURAL ABSTRACTION TO UP GRADIENT RUNOFF. THEREFORE, NO CHANGE IN IMPERVIOUS AREA THAT WOULD ALTER THE RUNOFF COEFFICIENT.
4. NO MODIFICATION TO SOIL, VEGETATION, OR AMBIENT INITIAL ABSTRACTION THAT WOULD ALTER THE RUNOFF COEFFICIENT.
Appendix I

Rural Approach Detail
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Appendix J

Typical Panel Layout
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TYPICAL PANEL LAYOUT DETAIL

INVERTER PAD. APPROXIMATELY 45 THROUGHOUT THE SITE. INVERTERS WILL BE LOCATED TO ENSURE THAT SOUND CROSSING THE PROPERTY LINE WILL BE MINIMAL.

25.00 CLEAR FROM FENCE

25.00 CLEAR FROM FENCE

25.00 CLEAR FROM FENCE

WILDLIFE FENCE. SEE DETAIL 001.

SCALE: 1" = 20'
Appendix K

Construction Sequencing Site Plan
Appendix L

Viewshed Analysis Images
1. Southeast View
2. Southwest View

Timber Butte
3. North View

Timber Butte
4. View 1

Timber Butte
5. View 2

Timber Butte
6. View 3
7. View 4
8. View 5
9. View 6

Timber Butte
10. View 7

Butte, MT
11. View 8
12. View 9

Homestake Pass
13. View 10

Homestake Pass
14. View 11
16. View 13

Butte, MT
Aerial View
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TYPICAL CROSS-SECTION AT BOUNDARY

SCALE: 1" = 10'

PROPERTY LINE
FENCE TO BE LOCATED INSIDE PROPERTY LINE
25.00

CLEAR FROM ALL FENCE LINES
12.26

CLEAR BETWEEN RACKS PROPOSED PANELS AND RACKING
25.00

MOWED NATIVE GRASSES
12.26

EXISTING GROUND
WILDLIFE FENCE

25.24

0 5 10 20
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Appendix N

2020 Butte-Silverbow Zoning Map
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Appendix O

Basin Creek Area Zoning Map
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Appendix P

Existing Industrial Locations Vicinity Map
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Appendix Q

Basin Creek Solar Project Infographic
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The Basin Creek Solar Project in Butte, MT will be one of the top 10 largest solar generation facilities in the United States. While it will be connected to the grid, the intent is to serve the soon to be upgraded Atlas Power data center with renewable energy. The construction project is estimated to be completed by the end of 2022.

700,000+ Solar Panels
Enough power to meet the needs of 40,600 single family homes

1 solar panel produces about 480 watts

289,870,720 kWh estimated annual output right now for Basin Creek

This project will be one of the largest solar farms in the United States (top 10 in the U.S.)

Annual Power Generation (MWh)
- 930,000 MWh
- 406,000 MWh

2010 MT Non Hydro Renewable Power Generation

Basin Creek Solar Estimated Power Generation

BUTTE, MT
Cushing Terrell.

400.757.9522 • cushingterrell.com

Icons + illustration credit: Freepik; www.Vecteezy.com
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Appendix R

Basin Creek Electricity Conversion Infographic
WHAT WILL YOU SEE IN THE PV SYSTEM?

PV POWER PLANT

1. SOLAR PANELS and Racking
2. DC COMBINER Combines input from solar panels – one per row
3. INVERTER Converts DC power to AC power
4. EXISTING SUBSTATION at Atlas Power

EXISTING SUBSTATION

INTERNET

GRID CONNECTION UTILITY GRID

SMA POWER PLANT MANAGER

MEDIUM VOLTAGE POWER STATION

CENTRAL INVERTER

Communication

AC

DC

SERVICE

PORTAL FOR REMOTE MANAGEMENT
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ZONING BOARD OF ADJUSTMENT

Butte-Silver Bow Application for a Variance from Building Code Department the terms of the Zoning Ordinance 1st Floor, Room 108, Courthouse of the County of Butte-Silver Bow Butte, MT 59701

This is an application for the granting of a Variance from the terms of the County Zoning Ordinance (Title 17 of the Municipal Code – Butte-Silver Bow County), whereas the granting of the Variance will not be contrary to the public interest and where, because of special conditions with respect to the lot shape or topography, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship. The Board of Adjustment shall hear applications for Variances to the terms of the Zoning Ordinance.

The following instructions are a summary of requirements from the Zoning Ordinance. If you have additional questions, you may find it beneficial to review the complete Zoning Ordinance.

APPLICATION INSTRUCTIONS

1. All questions on the application form must be answered fully. Please type or print. You may attach additional pages if space is needed.

2. A complete application package must be filed in the office of the County Building Code Department on or before the submittal dates identified on the attached page. Failure to submit a complete application will be cause for rejection of the application for review and processing.

3. Attach an accurately drawn site plan showing major details of the site, including but not limited to: the dimensions and location of existing and proposed buildings and structures, setbacks – the distance from the foundation to the property line in front, sides and rear, off-street parking and loading, service and refuse areas, means of ingress and egress, landscaping, screening and signs. THE SITE PLAN MUST BE DRAWN TO SCALE AND SUBMITTED ON 8½” X 14” OR SMALLER SIZE PAPER.

4. If new construction or a change in the use of the property is contemplated, building or development plans may be helpful in reviewing this application.
5. All plans, exhibits and other legal documents submitted with the application will be retained as part of the permanent public record.

6. The application form requires the following information:

   A. The Variance requested and reasons for seeking the Variance.

   B. Facts of hardship upon which a Variance is required. Hardship is determined by those special conditions and circumstances which are peculiar to the land, the lot or something inherent in the land which causes the hardship and which are not applicable to other lands in the same district.

   C. A legal and general descriptions of the lots or tracts upon which a Variance is sought.

   D. The name and address of the owner(s) of the land subject to the Variance and their agents, if any.

   E. The size of the parcel (area and dimensions).

   F. If there are any covenants or deed restrictions on the property subject to the Variance, submit a copy of them and indicate their expiration date.

7. A dimensioned site plan of the property which includes but is not limited to the following:

   A. The locations and dimensions of all vehicular points of ingress and egress, drives, off-street parking spaces, channelizations and traffic circulation.

   B. The location and size of all existing and proposed buildings, structures and improvements, including those which will be removed. Proposed improvements should be distinguished by an alternative method of coding such as using dashed or dotted lines or shading versus solid lines. Label all information.

   C. Other pertinent features (trees, landscaped areas, permanent terrain features).

8. Photographs may be submitted and are often helpful. They should be of a size adequate to show the nature of the property.
9. Under Section 17.56.040 of the Butte-Silver Bow Municipal Code, a fee which is set by Council of Commissioners must accompany the application for a Variance. Checks or money orders should be made payable to Butte-Silver Bow.

**CURRENT FEES ARE:** Residential - $35.00
Commercial/Industrial - $50.00

10. Staff responsibility: The Zoning Coordinator, upon receiving an application for a Variance, shall do the following:

A. Check each application for completeness and reject those applications which are incomplete.

B. Consult with other departments of the City and County and fully evaluate the impact of the uses contemplated under the Variance requested upon public facilities and service.

C. Study each application with reference to its appropriateness and effect on existing and proposed land uses and its relationship to the Butte-Silver Bow Comprehensive Plan.

D. Place a notice of the time, date and place of the public hearing in the legal newspaper seven (7) days in advance of the date set for the public hearing.

E. Notify the owner of the property or his agent of the time, date and place of the public hearing five (5) days in advance of that date.

F. Place a notice of the time, date and place of the public hearing on the property seven (7) days prior to the hearing date.

G. Report staff findings, in writing, to the reviewing authority and this report shall be a matter of public record.
VARIANCE APPLICATION FORM

1. Address or general location:

The subject property is comprised of approximately 1600 acres of the Gozden-McDermott Cattle Company. Located southwest of Butte, the property is outside City limits but within the zoned portion of Silver-Bow County.

2. Legal description of property (if unknown, contact the Assessor’s Office, 497-6281, Room 203 in the Courthouse).

TRACT 2, TRACT 5, TRACT 6, TRACT 7, TRACT 9, TRACT 10, AND TRACT 15 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN PORTIONS OF SECTION 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, THE SOUTH HALF (S1/2) OF SECTION 18 AND THE NORTHWEST QUARTER (NW1/4) OF SECTION 19. TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

ALL OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 8 EAST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

THE NORTHEAST QUARTER (NE1/4) OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO


ALSO

THE HARRINGTON LODE CLAIM, SURVEY #10016, AND NEW BUTTE LODE CLAIM, SURVEY #10016, IN SECTIONS 23 & 24, TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA.

ALSO

GOVERNMENT LOT NUMBERED ONE (1) OF SECTION TWENTY THREE (23) IN TOWNSHIP 2 NORTH, RANGE 8 WEST, PRINCIPAL MERIDIAN, MONTANA, COUNTY OF SILVER BOW, STATE OF MONTANA,

EXCEPTING THEREFROM ANY PORTION OF WHICH LIES WITHIN THE HARRINGTON LODE CLAIM AND NEW BUTTE LODE CLAIM, SURVEY No. 10016.

EXCEPTING

THAT PORTION OF TRACT 2 OF CERTIFICATE OF SURVEY NO. 1097A-RT, LOCATED IN THE SOUTH HALF (S1/2) OF SECTION 18, TOWNSHIP 2 NORTH, RANGE 7 WEST, PRINCIPAL MERIDIAN, MONTANA.

3. Zone classification: RS1, RS4

5. Reason Variance is sought: See attached for more information

6. Facts of hardship: See attached for more information

(Hardship is defined as those special conditions or circumstances with respect to the lot shape or topography; a literal enforcement of the provisions of the chapter would result in unnecessary burden).

7. Size of Parcel (Approximate):
   At the widest east-west point, approximately 11,885 Feet
   At the widest north south point, approximately 9,987 Feet
   Approximate acreage = 1608 acres

8. Owner(s): Gozden-McDermott Cattle Company LLC
   203 Black Angus Lane, Butte, MT 59701-9746
   406.491.1116

9. Agent(s): Cushing Terrell,
   13 N 23rd Street, Billings, MT 59101
   406.248.7455

10. Covenants or deed restrictions on the property:
    _____________YES         X _____________NO (If yes, include a copy).

11. Attachments
    X __________ Dimensioned site plan
    X __________ Filing Fee
    __________ Building construction plans
    X __________ Other (list) Narrative addressing reason for Variance, Hardship and other supporting information
I UNDERSTAND THAT THE FILING FEE ACCOMPANYING THIS APPLICATION IS NOT REFUNDABLE, THAT IT PAYS PART OF THE COST IN PROCESSING AND THE FEE DOES NOT CONSTITUTE A PAYMENT FOR THE VARIANCE REQUESTED. ALSO, THAT ALL THE INFORMATION PRESENTED IS TRUE AND CORRECT.

Signature: (Recorded Owner)  
Date: 4-19-2021
USE VARIANCE APPLICATION REVIEW CRITERIA

The Butte-Silver Bow Zoning Ordinance does not permit commercial and/or business operations within residential zones unless they are a permitted Home Occupation.

The three point criteria established by the Montana Supreme Court, for the review of Use Variance Applications.

1. A variance must not be contrary to the public interest.

2. A literal enforcement of the Zoning Ordinance must result in unnecessary hardship owing to the conditions unique to the property.

   Answers to the hardship question must not only satisfy the above criteria but also must satisfy the two additional criteria required by “use” variances. These two criteria area:

   a. The land and/or structure in question cannot reasonably be utilized for the uses permitted in the district.

   b. The use proposed will not adversely affect existing and potential permitted uses once it is in operation.

3. The spirit of the Zoning Ordinance must be observed and substantial justice done.

   It is the intent of the Zoning Ordinance to permit the reasonable use of private property while restricting practices which may infringe on the right of the adjacent landowners.

   Use variances are unique in that adjacent landowners with permitted uses have more than the basic right to enjoy their property. They also have the right to demand that the proposed nonconforming use by appropriate and unobjectionable.
RIGHT OF APPEAL
Butte-Silver Bow Zoning Board of Adjustment

Butte-Silver Bow Municipal Code, Title 17 (Zoning), establishes specific rights of appeal to persons aggrieved by decisions of the Butte-Silver Bow Zoning Board of Adjustment. The procedure for such appeals is detailed in Sections 17.54.080 and 17.54.090, which are outlined below.

**Section 17.54.080: Right of Appeal**

Any person or person, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the local government, may present to the District Court a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the District Court with **thirty (30) days** after the filing of the decision in the office of the Board.

**Section 17.54.090: Court Review of Decision**

Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the individual’s attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, or notice to the Board or the Council and on due cause shown, grant a restraining order.
GATEWAY SIGNAGE

BASIN CREEK RD

2-CAR PULL OFF, INTERPRETIVE SIGNAGE, 0.75-MILE WALKING TRAIL

GATEWAY SIGNAGE

EXISTING DRIVEWAY
CLEAR FROM ALL FENCE LINES

CLEAR BETWEEN RACKS PROPOSED PANELS AND RACKING

MOWED NATIVE GRASSES

PROPERTY LINE

FENCE TO BE LOCATED INSIDE PROPERTY LINE

EXISTING GROUND

WILDLIFE FENCE

TYPICAL CROSS-SECTION AT BOUNDARY

SCALE: 1" = 10'