



**Planning Advisory Board/Zoning Commission
June 22, 2021 Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
3:00 PM**

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- Effective May 4, 2021 Planning Advisory Board/Zoning Commission members and City staff will be attending the meeting in person.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, June 22, 2021, to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
 - Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties

OPENING MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions
3. Recognition of Staff

Dave Bertelsen - Chair

Chuck Pankratz - Vice Chair

Lindsey Bullock

Kelly Buschmeyer

Pat Green

Tory Mills

Samantha Shinaberger

4. [Approval of Meeting Minutes - May 25, 2021](#)

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Public Hearing – Annexation of Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast; and establishment of R-2 Single-family Medium Density zoning.
6. Public Hearing - Modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the temporary storage of Anhydrous Ammonia (NH₃) onsite in order to manufacture Ammonium Polyphosphate (APP).
7. Public Hearing – Request for a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Planning Advisory Board/Zoning Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Planning Advisory Board/Zoning Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Thursday at 7 p.m.

**MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
May 25, 2021**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:09 p.m. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

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Planning Board Members present:

Dave Bertelsen, Chair
Charles Pankratz, Vice Chair
Lindsey Bullock
Kelly Buschmeyer
Samantha Shinaberger joined at 3:12 P.M.

Planning Board Members absent:

Pat Green
Tory Mills

Planning Staff Members present:

Craig Raymond, Director Planning and Community Development
 Tom Micuda, Deputy Director Planning and Community Development
 Erin Borland, Planner III
 Shelley Francis, Permit Technician
 Alaina Mattimiro, Planner I
 Jamie Nygard, Sr. Admin Assistant

Other Staff present:

Jeff Hindoien, Deputy City Attorney

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chair Dave Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on April 27, 2021. Seeing none, Mr. Pankratz moved to approve the minutes. Ms. Bullock seconded, and all being in favor, the minutes were approved.

BOARD ACTIONS REQUIRING A PUBLIC HEARING

Preliminary Plat for West Ridge Addition Phase IX, legally described as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PMM, City of Great Falls, Cascade County, MT.

Alaina Mattimiro, Planner I, presented to the Board. She stated that the West Ridge Addition Phases VII-XI were brought forth to the City Commission in 2015 and were approved for annexation into the City and an R-3 Single-Family Residential Zoning designation. The Plat for Phase VII was approved at that time. In 2017, the developer of West Ridge came forward again to request a rezone from the R-3 Single-Family Residential to a Planned Unit Development (PUD), so that they could accommodate the originally proposed single family homes, as well as townhomes. She stated that West Ridge Phase VIII was then brought forward in 2018 to be platted.

After 2018, the development was put on pause due to some issues related to stormwater. At the time that the West Ridge Addition Phases VII-XI were brought forward in 2015, there was an original improvement agreement that there would be a Regional Stormwater Facility built through a partnership between the developers of the West Ridge Addition, Thaniel Addition and the City. She stated that the applicant had concerns related to the cost of the Stormwater Facility, so with West Ridge Phase IX, they have come forward with a proposal for a private, on-site Storm Water Facility in lieu of participating in construction of the regional pond. While City Staff still prefers the Regional Storm Water Facility as a long term solution, we do understand that the proposed alternative is a legal method of meeting all of the requirements. As long as it is designed to meet all quality and quantity standards, city staff will accept this alternative.

Ms. Mattimiro stated that the subject property is located between 2nd Street Northeast and 4th Street Northeast, and will be a continuation of Choteau Avenue Northeast. The property is 7.69 acres and will consist of another phase of West Ridge Addition. The proposal is for Phase IX, of an originally proposed eleven phase development that has been and will be platted over a number of years. It will consist of 28 new lots of single family homes and townhomes.

Ms. Mattimiro presented an Aerial Map, Zoning Map, and Proposed Preliminary Plat. She stated that on the Proposed Preliminary Plat, the lots on the west side will accommodate the single family homes and the smaller sites on the east side will accommodate the townhomes. The phase will extend Choteau Avenue Northeast as well as 4th Street Northeast. The water and sewer mains will be extended from where they are stubbed out from Choteau Avenue through 4th Street and will continue the boulevard style sidewalks. Ms. Mattimiro also presented the Proposed Preliminary Plat that also depicts the location of the stormwater pond to the north of the platted subdivision. She stated that when future phases are added, the pond will need to be expanded to accommodate more runoff. She stated that the existing storm drain running to the current temporary pond will remain.

Ms. Mattimiro also presented the Findings of Fact for a Subdivision.

- Effect Agriculture and Agriculture Water User Facilities: Previously used as land crop production, current agriculture uses are permitted to continue until development occurs
- Effect on Local Services: Extension of public water and sewer through right of way. Receives emergency services and law enforcement. Roadways will be constructed including curb and gutter and boulevard style sidewalk
- Effect on Natural Environmental: Not expected to adversely affect soils or water quality/quantity of surface or ground waters. Owner proposing a privately owned storm facility.

Ms. Mattimiro stated that the project brought forth is for the preliminary plat of West Ridge Addition Phase IX, so the Board will see the project again in the future, when it goes through for final plat as a Non-Public Hearing Agenda Item.

Ms. Mattimiro also stated that there was public input that was received prior to the meeting that was included in the Agenda Packet and some questions also were asked by Neighborhood Council #3. Staff will be meeting with the Council next month.

PROPONENTS

Brett Doney, Great Falls Development Authority, stated that the importance of housing can't be overstated at the current time. He is particularly excited to see the project move forward because while single-family homes are important but for pricing purposes, more duplexes and townhomes are needed. He stated that the cost of living of Great Falls for the last quarter has increased to 90.5% of the National Average, up from 89.7% from the fourth quarter of last year. He stated that housing is the biggest thing that can be controlled at the local level. GFDA is getting ready to release an RFP for a housing market analysis to update what the City had done a number of years ago. They believe that there is a market to be able to absorb many more rental units in addition to what is under construction, as well as new homes.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

Mr. Bertelsen wanted to know if the applicant was working with the adjacent land owner to the east, in regards to the location of the retention pond. Ms. Borland responded that the applicant is looking at a Drainage Master Plan to make sure that all the regulations are met. The pond that is proposed on the east side of the project is temporary because of the way that 4th Street NE will need to be constructed in the future. She stated that as future phases come through, the road would loop and it would all be connected, so the pond would move. The applicant and the representatives know that this subdivision should not discharge onto the adjoining property. The Engineering Department within the City is looking at it as well.

MOTION: That the Planning Advisory Board recommend the City Commission approve the preliminary plat of West Ridge Phase IX as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Pankratz
 Second: Ms. Buschmeyer

VOTE: All in favor, the motion carried 5-0

BOARD ACTIONS NOT REQUIRING A PUBLIC HEARING

Amendment to the Downtown Urban Renewal Plan

Mr. Raymond, Director of Planning and Community Development, presented to the Board. He stated that the proposed Amendment is almost identical to the one that came forward when the Civic Center façade project was added to be eligible for Tax Increment Financing (TIF) money from the Downtown Urban Renewal District. He stated that several Great Falls citizens as well as vested interest groups including the Business Improvement District, the Downtown Great Falls Association, Chamber of Commerce, Great Falls Development Authority and the Downtown Development Partnership have increasingly expressed concern that the City has not been more progressive in allowing for expanded opportunities to utilize TIF funds for revitalization, code compliance, and safety projects on private property within the downtown area.

Mr. Raymond stated that there is a specific process to create and/or amend Urban Renewal Plans. Amendments to these Plans first go to the Planning Advisory Board for the Board to provide recommendation as to whether the plan or amendment is consistent with the City's adopted Growth Policy. Next, the Downtown Development Partnership (Downtown Urban

Renewal Area only) recommends on the plan and/or amendment. Mr. Raymond stated that he would be presenting to the Downtown Development Partnership the following day. The City Commission Resolution of Intent and a public hearing is then set and finally the City Commission holds a public hearing to take final actions. The ordinance will be effective 30 days after the final actions.

Mr. Raymond stated that in order to accomplish what the goals of allowing for more private properties in the downtown to be improved, three separate programs are being proposed. There will be the Façade Program, which would allow businesses to receive grants to improve their façades in the Downtown Urban Renewal area. The second program is for Life Safety/Code Compliance. The idea is to promote and stimulate improvements to buildings that help make the building safer. ADA compliance is also a focus for improvements to downtown buildings. The third program is an Environmental Safety Program, for items such as improved lighting and security cameras. Mr. Raymond spoke about the Basic Plan Elements:

- Total annual allocation of \$500,000.00 for all programs each year
- Total combined project grant is \$80,000.00 maximum
- Façade grant maximum \$50,000.00
- Life Safety/Code Compliance maximum \$25,000.00
- Environmental Safety \$5,000.00

Mr. Raymond stated that staff is also proposing that if there is an exceptional project that is unique and a high impact for the downtown district, then the applicant can apply for more than \$80,000.00. Anything beyond the \$80,000.00 request would need to go to the City Commission for approval. The way that the program is currently, any request under \$80,000.00 is approved by City Staff.

Mr. Raymond presented a few key elements of the Amendment being consistent with the Growth Policy.

- SOC 1.1.3 – Support community-wide efforts in the City to reduce crime and expand crime prevention, public safety and education efforts, including neighborhood based efforts such as Neighborhood Watch.
- SOC 1.1.4 – Strategically improve public safety in the Downtown, as well as other city-wide “hotspots” throughout the City.
- SOC 1.4.2 – Expand the supply of residential opportunities including single family homes, apartment, manufactured homes, and assisted living facilities.
- SOC 1.4.5 – Continue to support the development of accessible housing units for those with physical and mental challenges and special needs, including members of the community with disabilities, etc.

Mr. Raymond also presented the Growth Policy Elements of Consistency.

- ENV 2.36.9 – Encourage and promote Crime Prevention through Environmental Design (CPTEP) strategies in the City.
- ECO 3.4.4. – Continue to offer incentives to responsible developers and employers.
- ECO 3.7.3 – Manage the City’s Tax Increment Finance Districts (TIFs) toward the creation of long-term improvements, with special emphasis on applying funds of capture, retain and reinvest dollars within the designated TIF boundaries.

- PHY 4.5 – Continue the work of the Historic Preservation Advisory Commission in the identification, evaluation, and preservation of historic districts and individual properties in Great Falls and Cascade County.
- PHY 4.5.2 – Establish incentives for the preservation, rehabilitation, and maintenance of historically or architecturally significant properties in a manner closely related to the appearance of the district.
- PHY 4.5.7 – Identify financial resources that may be used to assist in renovating and maintaining qualified properties, resource planning and tourism related to historic appreciation.

BOARD DISCUSSION AND ACTION

Ms. Shinaberger asked about staff reviewing the proposals and if there was going to be a committee reviewing them or just one person. Mr. Raymond responded that the process will be similar to the current CDBG program. When an application is received, a Staff Planner will be assigned to the project, and they will present their evaluation of the request to Mr. Raymond, the Director, and Deputy Director Tom Micuda. If it is approved, the findings and reports will be documented and reported to the City Commission either quarterly or annually.

Mr. Pankratz asked if there would be additional staff needed or if current staff is sufficient. Mr. Raymond replied that it depends on the amount of requests and stated that additional staff may be needed at some point.

MOTION: In accordance with Montana Code Annotated §7-15-4213, that the Planning Advisory Board recommend to the City Commission that the proposed amendment to the Great Falls Downtown Urban Renewal Plan, as described in the Staff Report is in conformance with the 2013 Growth Policy.

Made by: Mr. Pankratz
 Second: Ms. Buschmeyer

VOTE: All in favor, the motion carried 5-0

PUBLIC COMMENTS

Brett Doney, Great Falls Development Authority also Treasurer of the Downtown Development Partnership, stated that he concurred with the Amendment to the Downtown Urban Renewal Plan. He thanked staff, Joan Redeen with the Business Improvement District, and Kellie Pierce with the Downtown Great Falls Association for all of the work on the Amendment.

COMMUNICATIONS

Mr. Micuda stated that staff is anticipating the meeting for June 8, 2021 to be canceled and stated that there may be one Agenda Item for the June 22, 2021 meeting.

PUBLIC COMMENT

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 3:47 p.m.

CHAIRMAN

SECRETARY



Meeting Date: June 22, 2021

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

Item: Public Hearing – Annexation of Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast; and establishment of R-2 Single-family Medium Density zoning.

Initiated By: Bryan Hicks

Presented By: Lonnie Hill, Planner I, Planning and Community Development

Action Requested: Recommendation to the City Commission

Public Hearing:

1. Chairman of the Board conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Board closes public hearing and asks the will of the Board.

Suggested Motion:

Board Member moves:

- I. “I move that the Planning Advisory Board recommend the City Commission (approve/deny) the Annexation of Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

Chairman calls for a second, board discussion, and calls for the vote.

And;

- II. “I move that the Zoning Commission recommend the City Commission (approve/deny) the establishment of R-2 Single-family Medium Density zoning for Tract No. 2 of COS 2660 as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

Chairman calls for a second, commission discussion, and calls for the vote.

Summary:

The owner of the property legally described above and addressed as 2249 Upper River Road submitted an annexation application on April 21, 2021 for the purpose of connecting his existing single-family residence to City water and sewer utilities. The applicant has requested R-2 Single-family Medium Density zoning for the property.

This property is located in Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). This is one of five Service Districts created to improve water quality, resolve public health issues, remove sources of groundwater contamination in the area, and improve the tax base of the community. Previously, Service Districts 1, 2, most of 3, and 4 were wholly annexed into the City. District 5 is next in line to be annexed at an undetermined date. Although the District received funding and installed water and sewer mains within the Phase 5 area, the City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation over the last several years.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on June 6, 2021. Additionally, a notice was sent in the mail to neighbors within 150 feet of the subject property, and a sign notifying of the public hearing was posted on the subject property.

Background:**Annexation Request:**

The annexation request is for an existing residential property that is approximately 0.24 acres in area. The property is not contiguous to City limits. However, with the annexation of Upper River Road from the subject property to the existing City limit boundary to the southeast, the annexation would create the contiguity required to meet State and local requirements.

Water and sewer mains were extended to the subject property as part of the ULRRWSD project several years ago, with the intention of each property connecting to these mains as they annex. Water and sewer stub outs were constructed to the property line at the time of the construction of the mains. If the property is annexed, the applicant will connect to these stub outs for water and sewer service for the existing residence.

The basis for decision for an annexation by petition request is listed in OCCGF § 17.16.7.050. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the criteria which are attached as *Findings of Fact/Basis of Decision – Annexation by Petition*.

Establishment of Zoning Request:

Tract No. 2 is being proposed for R-2 Single-family Medium Density zoning. The R-2 zoning district aligns with the existing use of a single-family residence. This zoning district is also compatible the zoning for existing lots located in the nearby Grandview Addition as well as lots previously annexed into the Phase 5 Service District.

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as *Findings of Fact/Basis of Decision – Zoning Map Amendment*.

Neighborhood Council Input:

The subject property is located adjacent to Neighborhood Council #6. Staff provided information to the Neighborhood Council before their regularly scheduled May 5th meeting. Staff attended the May 5th meeting to present and answer questions about the ULRRWSD and informed the Council if they wanted to make a formal recommendation the item would need to be added to the agenda of their next scheduled meeting. Council Members decided to break for summer and forgo a formal vote on the project as they saw it unnecessary after questions had been answered and no issues were raised specific to this request.

Concurrences:

Representatives from the City's Public Works and Legal Departments have been involved throughout the review and approval process for this project, and will continue to participate throughout the permit approval process. Both Engineering and Environmental Divisions of Public Works and the Legal Department have collaborated on the submitted Annexation Agreement.

Fiscal Impact:

Water and sewer service will be provided by the City, and the cost of the connection improvements will be borne by the applicant per the agreed upon terms of the attached Annexation Agreement. The annexation will add one lot within the city which will increase the City's tax base and increase revenue.

Staff Recommendation:

Staff recommends approval of the annexation of Tract No. 2 of COS 2660 and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast, and assignment of R-2 zoning with the following conditions:

Conditions of Approval for Annexation and Establishment of Zoning:

1. **General Code Compliance.** Any future development of the property shall be consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Annexation Agreement.** The applicant shall abide by the terms and conditions as well as pay all fees specified in the attached Annexation Agreement for the Subject Property. The Annexation Agreement must be signed by the applicant and recorded at the Cascade County Clerk and Recorder.
3. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and specific development standards of the R-2 Single-family Medium Density zoning district.

Alternatives:

The Planning Advisory Board/Zoning Commission could recommend denial of the annexation and zoning map amendment request. For these actions, the Planning Advisory Board/Zoning Commission must provide separate Findings of Fact/Basis of Decision for denial of the annexation and establishment of zoning.

Attachments/Exhibits:

- Findings Of Fact/Basis of Decision – Annexation
- Findings Of Fact/Basis of Decision – Zoning Map Amendment
- Aerial Map
- Zoning Map

- Project Narrative
- Allowable Uses by District for R-2
- Lot Area and Dimensional Standards for R-2
- Draft Annexation Agreement

FINDINGS OF FACT/BASIS OF DECISION – ANNEXATION

Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast.

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in the Official Code of the City of Great Falls § 17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The subject property is not contiguous to the existing City limits. However, with the annexation of Upper River Road from the subject property to the exiting City limit boundary to the southeast, the annexation would create the contiguity required to meet State and local requirements. This property is part of Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). Previously, Service Districts 1, 2, most of 3, and 4 were annexed into the City. District 5 is next in line to be annexed at an undetermined date. The City has not received enough petitions to move forward with a district annexation. Instead, individual property owners have petitioned for annexation. Staff recommends that the annexation of both the Subject Property and the adjoining right-of-way are appropriate to achieve the goals of the ULRRWSD.

2. The proposed annexation is consistent with the City's growth policy.

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is supported by the following Social and Physical portions of the Growth Policy:

- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
- Physical Policy 4.3.11 – Consider the following annexation incentives for water and sewer hook-ups so as to lessen the cost of improvements - Assistance through grant monies.

3. The proposed annexation is consistent with applicable neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #6. There is no adopted neighborhood plan for Neighborhood Council #6, or any other Council within the City. Neighborhood Council #6 discussed the project at their May 5th meeting. The Council generally supported the request, and chose not to place it on a future agenda for vote due to lack of concerns.

4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The proposed annexation consists of an existing residential home and will not generate any additional traffic. As noted above, the subject property is located within ULRRWSD 5. The ULRRWSD's were created to improve water quality, resolve public health issues, remove sources of groundwater contamination, and improve the tax base of the community. Annexing the subject property is a step towards reaching those objectives.

5. The City has, or will have, the capacity to provide public services to the subject property.

Water and sewer mains were extended to the subject property as part of the ULRRWSD project with the intention of providing these public services to properties within each Service District. Although the streets in this area of the community are substandard, the impact of one residential lot on City services is minimal and the street frontage of the subject property is already being maintained by the Street Division of the City of Great Falls.

6. The subject property has been or will be improved to City standards.

Any future improvements to the subject properties will comply with current City code requirements. As noted above, the applicant will not be required to bring the portion of the right-of-way, including the street and boulevard, up to City standards as part of the annexation.

7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

An Annexation Agreement for the subject property has been drafted and attached to the Agenda Report. This agreement outlines the responsibilities and costs for various improvements, and addresses the creation of any special improvement districts.

8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.

Tract No. 2 was platted as part of Certificate of Survey No. 2660, which is officially recorded with the Cascade County Clerk and Recorder.

9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.

Water and sewer mains were extended to the subject property as part of the ULRRWSD project. The subject property will connect to these mains for City water and sewer service.

10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)

The subject property is not located in another city or town.

12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)

The subject property is not used for the uses listed above. The properties surrounding the subject property are existing residences.

FINDINGS OF FACT – ZONING MAP AMENDMENT

Tract No. 2 of COS 2660, located in the SE ¼ of SE ¼ of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and the adjoining right-of-way of Upper River Road from the west property line of Tract No. 2 to the existing City limit boundary to the southeast.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposal to annex and establish R-2 Single-family medium density zoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposed zoning map amendment specifically supports the following goals and policies:

- Social Policy 1.4.2 – Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #6. There is no adopted neighborhood plan for Neighborhood Council #6, or any other Council within the City. Neighborhood Council #6 discussed the project at their May 5th meeting. The Council generally supported the request, and chose not to place it on a future agenda for vote due to lack of concerns.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The lot proposed to be zoned R-2 consists of an existing residential home and will not generate any additional traffic. As noted in the staff report, the subject property is located within Phase 5 of the Upper and Lower River Road Water and Sewer District (ULRRWSD). Previously, Service Districts 1, 2, most of 3, and 4 were annexed into the City. District 5 is the next in line to be annexed at an undetermined date. The ULRRWSD's were created to improve water quality, resolve public health issues, remove sources of groundwater contamination, and improve the tax base of the community.

4. The code with the amendment is internally consistent.

The proposed establishment of R-2 zoning is not in conflict with any portion of the existing City Code and will be consistent with the adjacent existing zoning of Grandview Tracts to the east. The existing single-family home on Tract No. 2 will fit the context of the surrounding area. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

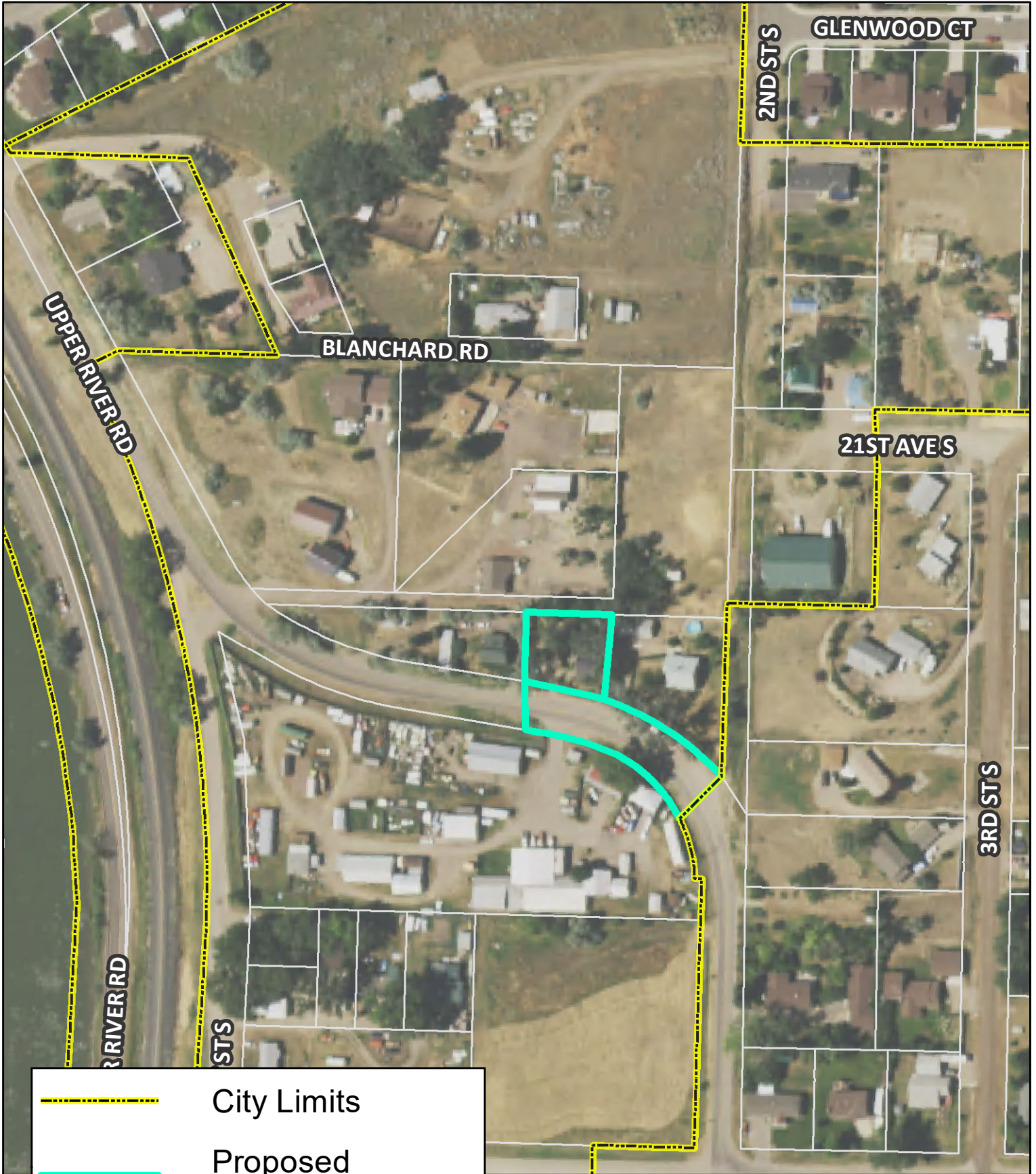
There are no existing public health, safety, or welfare issues that have been identified for the subject property. The zoning assignment will have no impact on these issues. The purpose of the Service Districts



is to eliminate future public health concerns through the extension of utility infrastructure and eventual incorporation of properties into the City's jurisdiction.

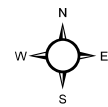
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to administer and enforce the amendment if it is approved. The use of property conforms to the proposed zoning, and no public infrastructure needs to be provided to support the new zoning designation on the property.

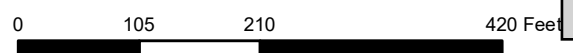
Aerial Map



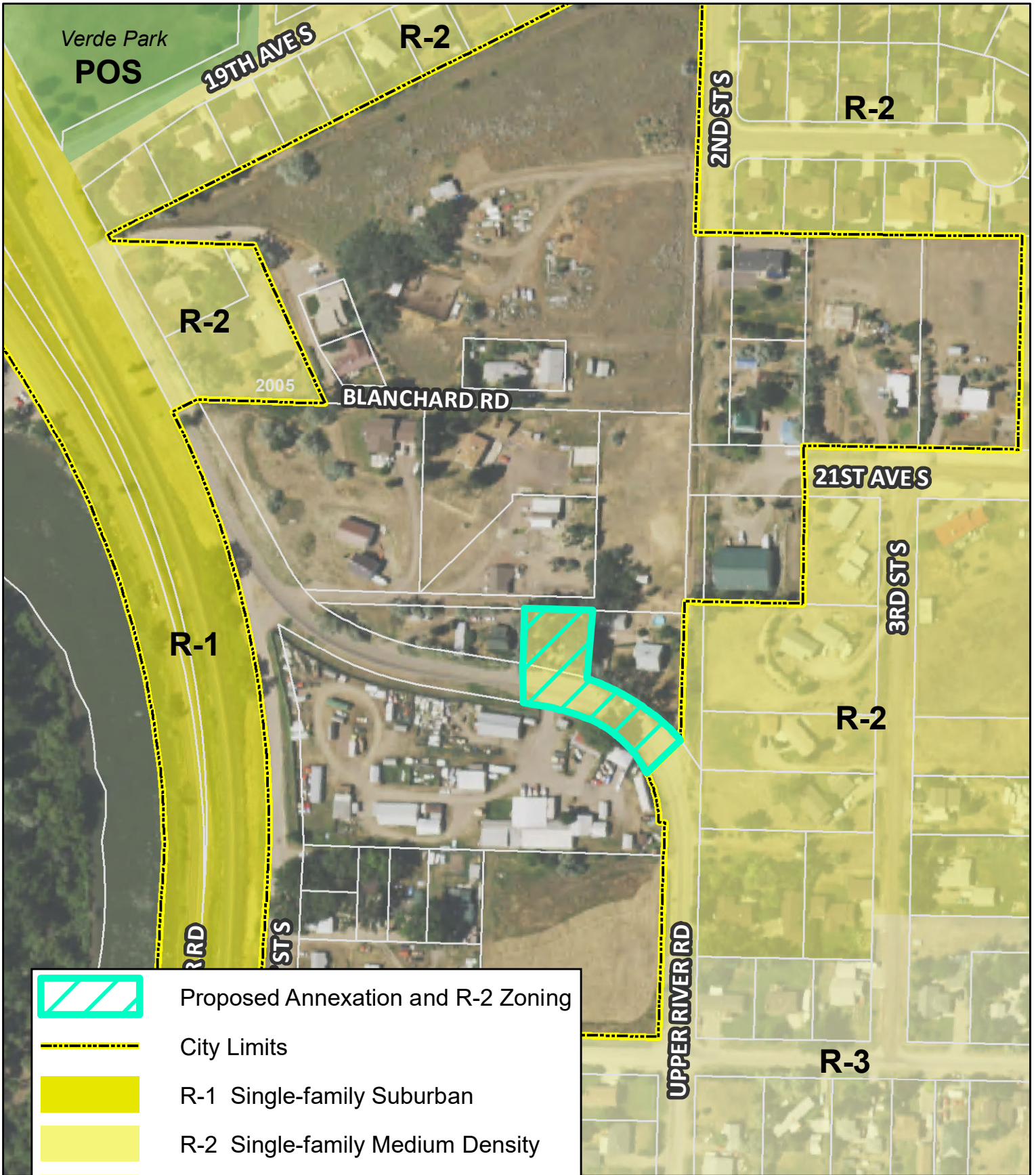
 City Limits
 Proposed Annexation and R-2 Zoning



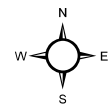
Date: 6/14/2021
 Drawn By: Planning



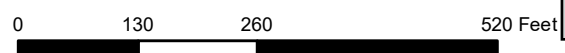
Zoning Map



	Proposed Annexation and R-2 Zoning
	City Limits
	R-1 Single-family Suburban
	R-2 Single-family Medium Density
	R-3 Single-family High Density
	POS Parks and Open Space



Date: 6/14/2021
 Drawn By: Planning



CITY OF GREAT FALLS

Civic Center
P. O. Box 5021
Great Falls, MT 59403

Date : April 21, 2021

To : Planning & Community Development

From : Bryan Hicks
2249 Upper River Road
Great Falls, MT 59405

Subject : Land Use Application
Annexation by Petition

Attention : Lonnie Hill

A primary reason for annexation request to the City of Great Falls is for an upgrade of sewer line service. My operating septic system has been problematic over the years, and currently has ongoing concerns. I was told by a drain company two decades ago that it could fail and possibly even collapse at any time. Since

(surprisingly) it still barely works, the time to repair, replace, or remove, said existing tank is paramount.

I have been residing at 2249 Upper River Road, for over 20 years, and have had city water line service all during that time (notably the "poor farm" line). For the above stated purposes, a practical decision to connect with new service lines recently installed, as part of [the] Phase Five Sewer and Water District Program, is clear.

The information shared with me last month regarding "connection" to new sewer and water line service, requires applying for annexation to the City of Great Falls, in order to comply. With Phase Five having been completed for two years, I am very much interested in moving forward. Thank you for your consideration!

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Hicks', with a stylized flourish at the end.

Bryan Hicks

Exhibit 20-1. Principal Uses by District

Use	R-2	Special Standards
Agriculture, horticulture, nursery	-	17.20.6.005
Mobile home/park	-	17.20.6.010
Residence, single-family detached	P	
Residence, zero lot line	-	17.20.6.020
Residence, two-family	C	
Residence, multi-family	-	17.20.6.040
Residence, townhouse	C	17.20.6.050
Residence, manufactured/factory-built	P	17.20.6.060
Retirement home	C	
Community residential facility, type I	P	
Community residential facility, type II	C	
Day care center	C	
Emergency shelter	-	
Family day care home	P	
Group day care home	P	
Nursing home	-	
Campground	-	17.20.6.070
Hotel/motel	-	
Micro-brewery	-	
Restaurant	-	

Tavern	-	17.20.6.080
Agriculture sales	-	
Auction sales	-	
Construction materials sales	-	
Convenience sales	-	
General sales	-	
Manufactured housing sales	-	
Off-site liquor sales	-	
Secondhand sales	-	
Shopping center	-	
Administrative services	-	
Commercial kennel	-	17.20.6.090
Financial services	-	
Funeral home	-	
General services	-	
Professional services	-	
Sexually-oriented business	-	17.20.6.100
Veterinary clinic, large animal	-	
Veterinary clinic, small animal	-	17.20.6.110
Large equipment rental	-	
Small equipment rental	-	
General repair	-	
Vehicle fuel sales	-	

Vehicle repair	-	17.20.6.120
Vehicle sales and rental	-	
Vehicle services	-	
Agricultural commodity storage facility	-	
Climate controlled indoor storage	-	
Fuel tank farm	-	
Mini-storage facility	-	17.20.6.130
Freight terminal	-	
Warehouse	-	
Casino, type I	-	17.20.6.140
Casino, type II	-	17.20.6.150
Indoor entertainment	-	
Indoor sports and recreation	-	
Golf course/driving range	C	
Miniature golf	-	
Outdoor entertainment	-	
Park	P	
Recreational trail	P	
Administrative governmental center	-	
Animal shelter	-	17.20.6.160
Cemetery	C	17.20.6.170
Civic use facility	C	
Community center	C	

Community cultural facility	C	
Community garden	P	17.20.6.175
Public safety facility	C	
Worship facility	C	17.20.6.180
Health care clinic	-	
Health care facility	-	
Health care sales and services	-	
Commercial education facility	-	
Educational facility (K—12)	C	17.20.6.200
Educational facility (higher education)	-	
Instructional facility	-	
Composting facility	-	17.20.6.210
Recycling center	-	17.20.6.220
Solid waste transfer station	-	17.20.6.230
Amateur radio station	P	17.20.6.240
Telecommunication facility		17.20.6.250
Concealed facility	C	
Unconcealed facility	-	
Co-located facility	-	
Utility installation	C	
Airport	-	
Bus transit terminal	-	
Heli-pad	-	17.20.6.260

Parking lot, principal use	-	
Parking structure	-	
Railroad yard	-	
Taxi cab dispatch terminal	-	
Contractor yard, type I	-	17.20.6.270
Contractor yard, type II	-	17.20.6.280
Artisan shop	-	
Industrial, heavy	-	
Industrial, light	-	
Industrial park	-	
Junkyard	-	17.20.6.290
Light manufacturing and assembly	-	17.20.6.300
Motor vehicle graveyard	-	17.20.6.310
Motor vehicle wrecking facility	-	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

(Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3068, § 2, 4-5-2011; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012; Ord. 3166, 2017)

Exhibit 20-2. Accessory uses by district

Use	R-2	Special Standards
Accessory living space	P	17.20.7.010
Agriculture, livestock	-	17.20.7.080
ATM, exterior	-	17.20.7.020
Bed and breakfast	C	17.20.7.030
Fences	P	17.20.7.040
Gaming, accessory	-	17.20.7.050
Garage, private	P	17.20.7.060
Home occupation	P	17.20.7.070
Private stable/barn	-	17.20.7.080
Residence, accessory	-	17.20.7.085
Roadside farmer's market	-	17.20.7.090
Storage containers	-	17.20.7.100
Wind-powered electricity systems	P	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

(Ord. No. 3034, § 1, 7-21-2009; Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)

Use	R-2	Special Standards
Garage sales	P	17.20.8.015
Itinerant outdoor sales	-	17.20.8.020
On-site construction office	P	17.20.8.030
On-site real estate sales office	P	17.20.8.040
Outdoor entertainment, temporary	-	
Sidewalk café	-	17.20.8.050
Sidewalk food vendor	-	17.20.8.060

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

**Exhibit 20-4. Development standards for residential zoning districts
(see footnotes [4], [5] & [7] for general standards)**

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Maximum building height of detached private garage [1]	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	16 feet

Maximum building height of other accessory buildings	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line	Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	n/a
Minimum rear yard setback [7]	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory buildings	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house.

(Ord. 2950, 2007)

[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.

(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts.

(Ord. 2950, 2007)

ANNEXATION AGREEMENT
TRACT OF LAND LEGALLY DESCRIBED AS TRACT NO. 2 OF COS 2660, LOCATED IN THE SE 1/4 SE
1/4 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY,
MONTANA.

The following is a binding Agreement dated this _____ day of _____, 2021, between Bryan Hicks, hereinafter referred to as "Owner", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land into the corporate limits of the City legally described as Tract No. 2 of COS 2660, located in the SE 1/4 SE 1/4 of Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agree to terms applicable to the Subject Property. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions are fulfilled by the Owner, as required by the City's approval of the supporting documents. Generally, this Agreement:

1.1 Declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Subject Property;

1.2 Insulates the Owner of the Subject Property from the impact of changes in the City's zoning regulations, provided that no substantial changes are proposed;

1.3 Requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by as required by the Official Code of the City of Great Falls (OCCGF);

1.4 Waives protest by the Owner and their successors against the creation of special improvement districts that would provide and maintain necessary infrastructure;

1.5 Indemnifies the City from challenges to its approval of the Subject Property and holds it harmless from errors and omissions in the approval and oversight of the project.

2. Supporting Documents. Each of the following supporting documents are to be submitted for review and approval by the City.

2.1 Legal Documentation. Legal documents, including but not limited to any easements, covenants, and restrictions establishing the authority and responsibilities of Owner, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

3. Changes. The Owner understands that failure to install required improvements in accord with the final construction plans is a breach of, and may void, this Agreement. The Owner also understands that such failure is a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrator (the Administrator is the person or persons charged by the City Manager with the

administration of this improvement agreement) is hereby authorized to allow minor changes to approved improvements, as provided below:

3.1 Minor Changes. Minor changes to the improvements that are deemed appropriate and necessary by the Administrator and which do not materially affect the hereinabove mentioned Subject Property, can be made as follows:

3.1.1 Before making changes, the Owner must submit revisions to the Administrator for review. Failure to do this before the proposed change is made may be considered by the City to be a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed changes within fourteen (14) days of receipt of the revised plans.

3.1.2 Based on a review of the revisions, the Administrator may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the annexation Subject Property or the OCCGF.

3.1.3 Minor changes in the location and specifications of the required improvements may be permitted by the Administrator. The Owner must submit revised plans showing such changes to the Administrator. Revised plans are not accepted until approved by the Administrator.

3.2 Substantial Changes. Substantial changes are not permitted by this Agreement. A review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows in order to further clarify what may be permitted as a "Minor Change":

3.2.1 A substantial change adds one or more lots; changes the permitted use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator; changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

4. Fees. The Owner understands that it is required to pay the following fees as they come due. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

4.1 Recording Fees. The Owner will pay all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

4.2 Connection and Construction Fees. Water service tapping and water and sewer service connection fees have been previously paid as part of joining the Service District.

4.3 Storm Drain Fee. The Owners will pay a storm drain fee in the amount of \$250 per acre for annexation of the Subject Property. This equates to **\$60.00** for the total 0.24 acres of the Subject

Property. The total storm drain fee shall be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

4.4 Payment of Application Fees Acknowledged. The following fees have been paid by the Owners: \$2,000.00 application fee for the establishment of zoning, and a \$500.00 application fee for annexation.

5. Site Conditions. The Owner warrants that they have conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements of the Subject Property. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

6. On-Site Improvements. The on-site improvements shall include everything required to provide water, sanitary sewer, access, and other requirements as may be required by OCCGF. If required, access for purposes of emergency vehicles shall be installed to the specifications of the Public Works Department. If necessary, the Owner shall provide public utility easements for all required public utilities.

7. Permits. This Agreement must be approved by the City Commission and signed by the City Manager and the Owner before permits for any work will be approved, including, but not limited to trenching for the installation of utilities.

8. Vested Rights. This Agreement and approval by the City creates a vested right that protects the Owner from changes in the City zoning requirements within Title 17 of the OCCGF until this Agreement expires. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right does not exempt the Owner from compliance with changes to state and federal requirements. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the approved improvements of the Subject Property.

9. Maintenance Districts. Owner hereby agrees to waive their right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

10. Park District. Owner acknowledges that the Subject Property is, by operation of law and pursuant to Resolution No. 10238, adopted by the City Commission on June 5, 2018, included within the boundaries of the Great Falls Park District Number 1. Owner acknowledges that property within the Great Falls Park District Number 1, including the Subject Property, is subject to annual assessments for the purposes of the Great Falls Park District Number 1 in amounts to be determined by the City Commission each year, in accordance with Resolution No. 10238, as it may be amended or supplemented.

11. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the Subject Property incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned City zoning classification of R-2 Single-family Medium Density.

12. Limitation of Liability. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City’s limited plans review and inspections are not substantive reviews of the plans and engineering. The City’s approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City’s limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that Owner’s Subject Property described herein. Upon the transfer of ownership of the property, the prior owner’s (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the Owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

13. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
 A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager



Meeting Date: June 22, 2021

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

- Item:** Public Hearing - Modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the temporary storage of Anhydrous Ammonia (NH₃) onsite in order to manufacture Ammonium Polyphosphate (APP).
- Initiated By:** Helena Agri-Enterprises, LLC
- Presented By:** Erin Borland, Planner III, Planning and Community Development Department
- Action Requested:** Recommendation to the City Commission

Public Hearing:

1. Chairman of the Board conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Board closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the request to modify the existing Conditional Use Permit for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

2. Chairman calls for a second, board discussion, and calls for the vote.

Background:

On October 2, 2012, the City Commission adopted Resolution 9993 for annexation and approved Ordinance 3097 to assign the PUD zoning classification to AgriTech Park Addition. The entire AgriTech Park measures roughly 196.549 acres, in which roughly 193.684 acres are proposed to be industrial lots. The applicant, Helena Agri-Enterprises, LLC (Helena Chemical), is a national fertilizer company which has been in operation since 1957 and has been established in Great Falls at AgriTech Park on Lot 3A since 2016.

Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, then will mix, blend, repackage, store, and redistribute large quantities of fertilizer to farmers across Montana. The type of product redistributed depends on the specific need from each individual farmer.

Conditional Use Permit

Chapter 20 of Title 17 of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use process before permitting a land use proposal that involves the handling of hazardous materials, among other potentially dangerous or offensive activities. Specifically, Section 17.20.3.060 states, “a permitted land use that emits air contaminates or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.” Due to this code requirement, a Conditional Use Permit was required when Helena Chemical requested to establish their operation on Lot 3A of Agri-Tech Park. The City Commission approved the CUP on March 17, 2015 by adopting Resolution 10096. The applicant then proceeded with the building permit process and completed all items required including the Conditions of Approval for the CUP.

During the 2015 CUP review process, Staff identified two chemicals as not being permitted to be brought into the facility, ammonium nitrate and anhydrous ammonia. The caution at the time was related to the flammable nature of these chemicals. However, Staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate (APP) to local farmers. The amendment requested will allow Helena Chemical to temporarily store anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP). The storage proposed will require rail cars or trucks to be staged on the existing rail line or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished APP and will use all the anhydrous ammonia stored in the rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached to the blending unit by hose. The ammonia will be discharged from the unit by hose to existing plumbing and tanks. Helena Chemical anticipates the blending operation will be needed two times per calendar year. The NH₃ will be transported by four rail cars (16 trucks) and involve usage of approximately 60,000 gallons of water.

Staff from various departments, including Fire Rescue staff, have reviewed the proposal and find that this amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in their chemical handling processes. Additionally, the specific process proposed minimizes risk because the anhydrous ammonia is connected directly from its transport container to the on-site mixing tank. . Staff’s recommendation contains several conditions in order to ensure that current safety measures in place are kept up to date.

The basis for decision for a conditional use permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that the decision of the City Commission shall at a minimum consider the criteria which are attached as Findings of Fact - Conditional Use.

Neighborhood Council Input:

The subject property is located in Neighborhood Council #4. Information was sent to the council ahead of the Zoning Commission Public Hearing, but the council meets on June 24, 2021. Therefore, the project will be presented on that meeting’s agenda and then reported to the City Commission.

Concurrences:

Representatives from City's Public Works and Fire Departments have been involved with the review process of this application. All comments have been taken into consideration for the recommendation and conditions of the project.

Fiscal Impact:

Approval of the Conditional Use Permit will allow the applicant to continue their current operations and add a much needed element to their inventory for farmers in Montana at no fiscal impact to the City.

Staff Recommendation:

Staff recommends approval of the amendment to the Conditional Use Permit with the following conditions:

Conditions of Approval:

1. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
2. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
3. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the conditional use permit. Proposed changes shall be submitted to the Administrator, who may require that the permit be amended following the same public process used for its adoption.
4. **Expiration:** The amendment to conditional use permit shall expire one (1) year after the date of issuance, if the operation has not been established for the applicant's request. The Administrator may extend the expiration date by up to one year if substantial work is ongoing.
5. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
6. **Chemicals:** The applicant shall not handle or store ammonium nitrate at this site.
7. **Emergency Management Plan:** An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department before the amendment to allow the chemical can take place. This plan shall be reviewed annually at the time the applicant renews its Safety

Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.

- 8. Spill Prevention and Control Plan:** The applicant shall review and update if necessary the Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before the amendment to the Conditional Use Permit can take place.
- 9. Industrial Wastewater Survey:** The applicant shall provide an updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.
- 10. Acceptance of Conditions:** The amendment will not go into effect until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

Alternatives:

The Commission could deny the conditional use permit modification requested by the applicant. For this action the Commission must provide alternative Findings of Fact/Basis of Decision to support a denial of the request.

Attachments/Exhibits:

- Location Map
- Zoning Map
- Findings of Fact/Basis of Decision – Conditional Use Permit
- Applicants Narrative
- Site Exhibit

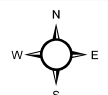
Location Map



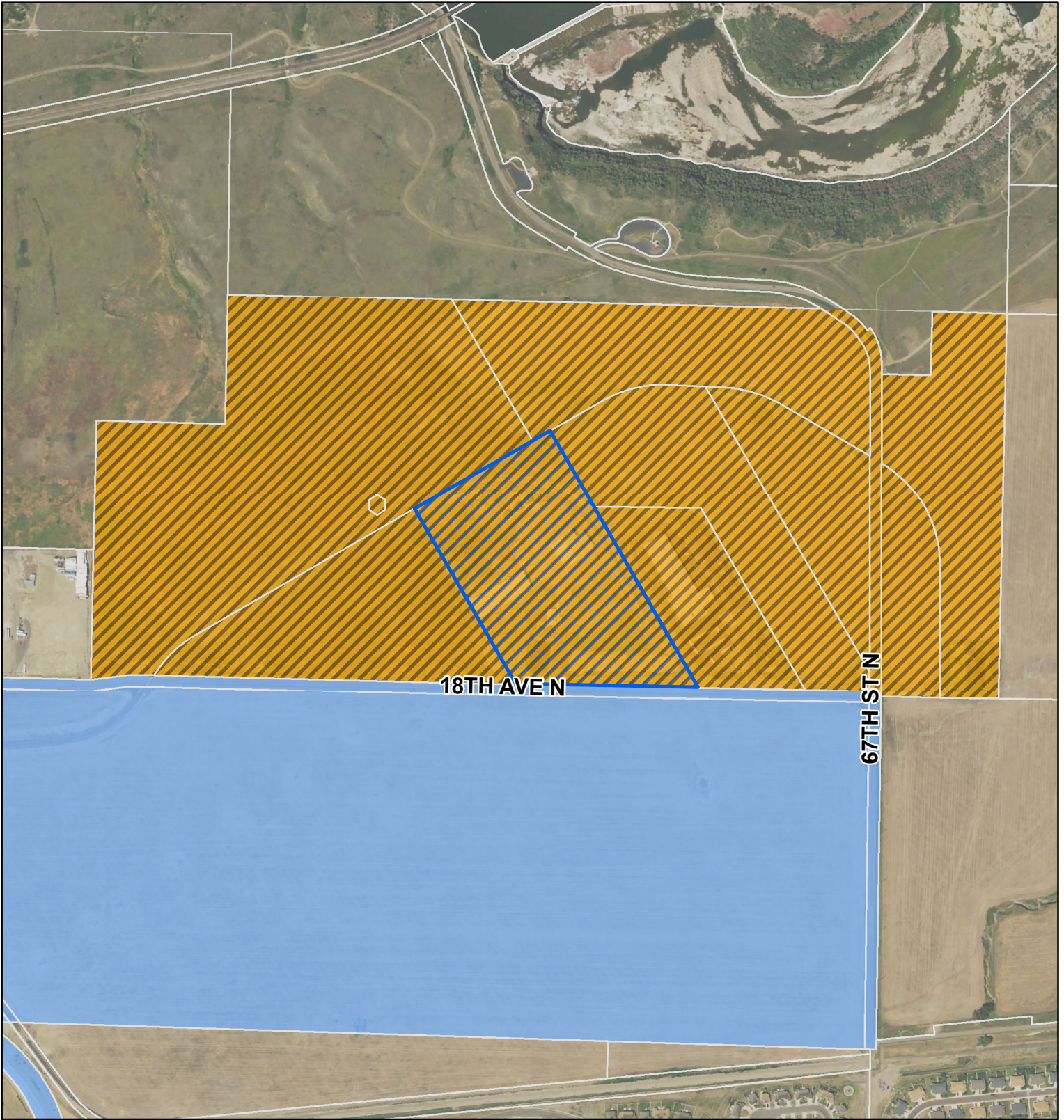
Subject Property

0 350 700 1,400 Feet

Date: 6/17/2021
Drawn By: Planning



Zoning Map



Subject Property



PUD Planned Unit Development



I-2 Heavy Industrial

0 350 700 1,400 Feet

Date: 6/17/2021
Drawn By: Planning



CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the temporary storage of anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP).

PRIMARY REVIEW CRITERIA:

The basis for decision for a conditional use permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that the decision of City Commission shall at a minimum consider the following criteria:

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City of Great Falls Growth Policy Update. This project and amendment is strongly supported by the Economic and Physical portions of the Growth Policy.

- Eco 3.4: Continue efforts to expand, retain and attract new business to Great Falls.
- Phy 4.2: Implement the City's land use codes to protect the health, safety and welfare of its residents.

Helena Agri-Enterprises LLC, came to Great Falls as a new company and have established themselves in the Agri-Tech Industrial Park. The requested CUP modification to allow anhydrous ammonia will allow for a small expansion of product for the company, and their continued success in this area in turn can attract additional industrial businesses to the park. Additionally, requiring the applicant to go through the conditional use permit process for the modification gives the City the ability to review the modification with the intent to protect the health, safety and welfare the community.

2. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The CUP allows the City to review the modification and place appropriate conditions on the specific project to help mitigate or reduce the total off-site impacts a project may have on the surrounding properties and environment. The conditions listed under the Conditions of Approval apply specific measures to protect the health, safety, and general welfare of the public.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed project is within an approved industrial park that was designed to accommodate heavy industrial uses. The surrounding properties have similar heavy industrial uses. The

modification will meet all the development standards in the PUD Ordinance and underlying I-2 zoning district. The conditions imposed on the project should mitigate any potential harmful effects on Giant Springs State Park and nearby environmentally sensitive areas.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The modification will allow the temporary storage of anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP). This proposal will happen only two times a year and chemicals will be mixed on site in a way that will not interfere with any of the operations of the surrounding established businesses. The conditions of approval are proposed to minimize all effects on the surrounding area to be developed.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The modification does not require new facilities to be constructed., Construction of the existing facility that has gone through the City's permitting process and has been approved with a certificate of occupancy to ensure all adequate utilities, roads and drainage have been addressed.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Ingress and egress to the current facility will not require any alterations with this proposal because the chemical transportation and mixing proposal is so infrequent, it can be served through the existing rail line and access to 18th Avenue North.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

The proposed modification will conform to the applicable regulations of the PUD Ordinance and underlying I-2 zoning district and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.



AGRI-ENTERPRISES, LLC

Helena would like to propose an amendment to an existing Conditional Use Permit. The amendment requested, will allow Helena to temporarily store anhydrous ammonia(NH₃) onsite in order to manufacture ammonium polyphosphate(APP). The storage proposed will require rail cars or trucks to be staged on the existing rail or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished APP and will complete the evacuation of rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached to the blending unit by hose and discharge from the unit by hose to existing plumbing and tanks. Helena anticipates the blending operation will be needed two times per calendar year. The total amount of NH₃ will include four rail cars(16 trucks) and approximately 60,000 gallons of water.

A handwritten signature in cursive script, appearing to read "Gareth Davis".

Regards,
Gareth Davis
WBU Project Manager
Helena Agri-Enterprises, LLC
(559) 285-3473



**PROPOSED
PORTABLE
BLENDER**





Meeting Date: June 22, 2021

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

- Item:** Public Hearing – Request for a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district upon the property addressed as 620 57th Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana
- Initiated By:** Jim Woods, Set Five LLC
- Presented By:** Lonnie Hill, Planner I, Planning and Community Development
- Action Requested:** Recommendation to the City Commission

Public Hearing:

1. Chairman of the Board conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Board closes public hearing and asks the will of the Board.

Suggested Motion:

1. Commission Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the Conditional Use Permit for the Subject Property as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

2. Chairman calls for a second, commission discussion, and calls for the vote.

Background:

Set Five LLC submitted an application requesting a Conditional Use Permit to allow a “Vehicular services” land use in the C-1 Neighborhood Commercial zoning district for the property located at 620 57th Street South on February 19, 2021. The original application was removed from the Zoning Commission Agenda on March 23, 2021 at the applicant’s request. The applicant requested a reduced landscape buffer from the code-required fifteen (15) feet to five (5) feet along the north property line to allow for a larger turn radius within the site to accommodate for longer vehicles. In response to the applicant requesting a smaller than required buffer, City Staff requested the applicant submit additional information to address the potential impacts of the project to the surrounding properties. This agenda report reflects those changes, and the additional information provided by the applicant is included as “Exhibit A – Additional Materials”.

The subject property is currently being used as a gas station that was developed around the 1960's. The applicant intends to remove all existing features of the gas station and develop a car wash containing three self-wash bays, one auto wash bay, and a potential dog washing station. The applicant also has interest in developing dedicated space for a future on-site electric car charging station. The applicant has stated the redevelopment is in response to changing economics due to competition of other gas stations in the area, but that the automotive nature of the site will remain consistent with its historical use.

The use of "Vehicle services", which includes car washes, is conditionally permitted in the C-1 zoning district. Because this project includes a complete redevelopment of the subject property, the applicant was notified that the proposed use of a car wash must be approved through the conditional use process. The existing use of "Vehicle fuel sales" is also conditionally permitted in the C-1, but did not go through a Conditional Use process at time of development around the 1960's.

The basis of decision for a Conditional Use Permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, and additional information demonstrates that the criteria which are attached as *Basis of Decision* have been met.

Public notice for the Zoning Commission Public Hearing was originally published in the *Great Falls Tribune* on March 7, 2021. Additionally, notice was mailed to all property owners within 150 feet of the subject property, and a sign notifying the original hearing was posted on the property. This item was not presented at the March 23, 2021 meeting per the applicant's request. Public notice was again published in the *Great Falls Tribune* on June 6, 2021 for this public hearing on June 22, 2021. Notice was mailed to all property owners a second time, and a sign was again placed on the property. To date, staff has received no public comment regarding this project.

Improvements:

The applicant is proposing a near complete redevelopment of the site as part of the establishment of the car wash. The only structure to remain is the existing sign along 57th Street South. As stated above, the proposal is to develop three self-wash bays, one auto wash bay, with potential for a dog washing station and electric car charging stations in the future. City Staff concludes that the proposed improvements to this site will improve the vehicular safety and functionality as well as the overall aesthetics of the site. Because this site is an existing commercial property, the adaptive reuse of this underutilized property takes advantage of the City's existing infrastructure, while also bringing a neighborhood commercial lot more into conformance with the City's current Land Development Code requirements.

This redevelopment will require site improvements in conformance with most of the standards of the City Land Development Code and Public Works Design Standards. This will include establishment of curb, gutter, sidewalks, and boulevard landscaping along 56th Street South and 7th Avenue South, and controlled access points along each street frontage.

The applicant is proposing a five (5) foot buffer and construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. This proposal deviates from the required fifteen (15)-foot landscape buffer between a commercial use and an adjacent residential use. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site. City Staff concludes the proposed reduced buffer, in conjunction with the proposed fence and plantings is a reasonable plan to mitigate negative impacts to the residence to the north. In addition to the improvements of the north property line, the required boulevard

improvements along 56th Street South will create a landscaped transition between the proposed car wash and the existing residences. The existing site does not have a landscaped boulevard along the western property line. These proposed improvements will improve the aesthetics of the property and soften the transition into the existing neighborhood to the west.

In addition to the required site improvements listed above, the project is required to meet the standards for “Light commercial Districts” within Chapter 53 – Noise of Title 8 of the OCCGF. Specifically, the development is limited to 65 decibels (dB(A)) from 7:00 a.m. to 8:00 p.m. and 60 dB(A) from 8:00 p.m. to 7:00 a.m. per OCCGF § 8.53.040 – Noise Levels—Limitations for structures and open spaces—dB(A) criteria—Table I. The applicant is also required to meet the standards within Chapter 40 - Outdoor Lighting of Title 17. Specifically, the applicant is required to not exceed three tenths (0.3) foot-candles along the northern property line adjoining the existing residences and not to exceed one (1.0) foot-candle along all other property lines. Staff has listed these compliance requirements within the conditions of approval to ensure that noise and light will not impact the surrounding properties as a result of the reduce buffer. If the development is not in compliance with City codes, mitigation will be necessary.

Proximity to Other Uses:

The subject property has been used commercially as a gas station since the 1960’s. The property directly north is a four-plex multi-family residence. To the west, across 56th Street South, are single-family residences. To the south, across 7th Avenue South, is a C-1 zoned property with a vacant structure. The City limit line runs along the east property line of the subject property, with an agriculture field outside of the City limits across 57th Street South.

Neighborhood Council Input:

The Subject Property is located within Neighborhood Council #4. Information was emailed to the Council Members originally on March 4th and again on June 9th, 2021 with the additional information related to the proposed noise levels of the project. No correspondence has been received from the Council to date, however the Applicant is on the agenda to present this application at Neighborhood Council #4’s regularly scheduled June 24th meeting.

Concurrences:

Representatives from the City’s Public Works, Fire/Rescue, and Building Departments have reviewed the proposal and have no objections to the issuance of the Conditional Use Permit.

Fiscal Impact:

Approval of the Conditional Use Permit would have no adverse fiscal impacts upon the City of Great Falls as the property is already served by City Water and Sewer as well as City Police and Fire. New water and sewer services will be required, and the cost of the connection improvements will be borne by the applicant. The redevelopment of the site will increase the City’s tax base and increase revenue.

Staff Recommendation:

Staff recommends approval of the Conditional Use Permit, subject to the following conditions:

Conditions of Approval:

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria found in OCCGF

17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

2. **Non-establishment:** The conditional use permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
3. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
4. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
5. **Potential Mitigation:** The applicant shall employ mitigation measures as may be necessary in order to maintain compliance with ordinances listed within the Official Code of the City of Great Falls, including but not limited to provisions within Title 8, Chapter 53 – Noise and Title 17, Chapter 40 – Outdoor Lighting.
6. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.

Alternatives:

The Zoning Commission could recommend denial of the Conditional Use Permit. If so an alternative Basis of Decision would be required to support this action.

Attachments/Exhibits:

- Basis of Decision
- Aerial Map
- Zoning Map
- Project Narrative
- Preliminary Site Plan
- Exhibit A – Additional Materials

CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting the approval of a Conditional Use Permit (CUP) for a Vehicle services land use to develop a car wash within the C-1 zoning district for the property addressed as 620 57th Street South and legally described as the South 132 feet of Lot 1, Block 5, Third Supplement to Sunrise Terrace Addition Part 3, Section 10, T20N, R4E, P.M.M., Cascade County, Montana.

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to redevelop an existing gas station into a car wash will allow the property owner to redevelop an underutilized property with a use that is appropriate for the C-1 zoning district.

The proposed conditional use for the subject property specifically supports the following Goals and Policies:

- Environmental Policy 2.3.1 – In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.
- Physical Policy 4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.
- Physical Policy 4.2.3 – Support actions that bring properties into conformance with the City's Land Development Code requirements over time.

2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals comfort or general welfare.

The proposed conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare of the community. The subject property has an existing commercial use of a gas station. The proposed use of a car wash is similar in intensity and fits with the adjacency of 57th St S, which is classified as a principal arterial roadway.

As part of the site improvements, the applicant is required to meet the standards within Chapter 40 - Outdoor Lighting of Title 17. Specifically, the applicant is required to not exceed three tenths (0.3) foot-candles along the northern property line adjoining the existing residences and not to exceed one (1.0) foot-candle along all other property lines. The project is also required to meet the standards for "Light commercial District" within Chapter 53 – Noise of Title 8 of the OCCGF. Specifically, the development is limited to 65 dB(A) from 7:00 a.m. to 8:00 p.m. and 60 dB(A) from 8:00 p.m. to 7:00 a.m. per OCCGF § 8.53.040 – Noise Levels—Limitations for structures and open spaces—dB(A) criteria—Table I.

The applicant is proposing a five (5) foot buffer and construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. This proposal deviates from the code required fifteen (15) foot landscape buffer between a commercial use and an adjacent residential use. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site. City Staff concludes the proposed reduced buffer, in conjunction with the fence and plantings is a reasonable proposal to

mitigate negative impacts to the residence to the north. In addition, the required boulevard improvements will create a landscape transition between the proposed car wash and the existing residences across 56th Street South. The existing gas station does not have a landscaped boulevard along the western property line. These boulevard improvements will improve the aesthetics of the property and soften the transition into the existing neighborhood to the west.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted. The proposed use of a car wash is similar in intensity as other uses allowed by right within the C-1 zoning district. In addition, as part of the proposed site development the property will be brought more into conformance with the City's Land Development Code. Specifically, the applicant is proposing to construct a fence to mitigate light and noise impacts associated with the car washes operation on the residences to the north. Additionally, the existing gas station does not have a landscaped boulevard along the western property line. This boulevard will be developed to meet current standards which will create another greenbelt between the car wash and 56th Street South. This will greatly improve the aesthetics of the property and soften the transition into the existing neighborhood. As a result, the conditional use will not substantially diminish and impair property values within the neighborhood.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed project will not impede the normal and orderly development and improvement of surrounding properties. The subject property is zoned C-1, an existing multi-family residence exists to the north, an existing single-family residence to the west across 56th Street South, a vacant C-1 zoned lot to the south across 7th Avenue South, and the City limits boundary runs along the eastern property line. The proposed conditional use will not negatively impact the future development options for the vacant, commercially zoned property to the south.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Utilities, access roads, drainage and other necessary facilities currently exist in the vicinity of the subject property. City water and sewer mains are currently within the right-of-way of 56th Street South. The applicant will be required to connect to these existing facilities. The site is located near existing drainage facilities and the redevelopment of the site will likely improve runoff as most of the site is currently paved with impermeable surfaces. Existing access roads surround the site on three sides and the applicant intends to connect to these roadways for circulation through the site.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

As part of the required site improvements, access points will be restricted from their existing condition of uncontrolled access along the three street frontages, to access

driveways that conform to current City standards. This will greatly improve the safety of vehicular movement through the site and onto adjoining public roads.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

The proposed conditional use will conform to all applicable regulations of the Land Development Code with the exception of one requested deviation from the requirements of Title 17, Chapter 44 - Landscaping. The applicant is requesting a five (5) foot buffer rather than the required fifteen (15) foot landscaped buffer between a commercial use and an adjacent residential use. The applicant proposes to conform to the other standards within the chapter, including construction of a six (6) foot fence with plantings along the north property line to screen the proposed development from the existing residences. The applicant has stated the reduced buffer is necessary to allow for circulation of longer vehicles throughout the site.

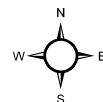
The purpose of the 15 foot landscaped buffer requirement is to provide noise and light protection for residential properties located next to commercial developments. The concern about noise is particularly important in this case since the car wash features vacuum cleaners. After careful consideration of the applicant's request, City Staff concludes that the proposed buffer can be reduced for the following reasons: 1) the six (6) foot fence and plantings will still act to soften noise and light impacts, and 2) the arrangement of the car wash bays and vacuums is proposed to be a reasonable distance away from the northern boundary line of the property.

Aerial Map

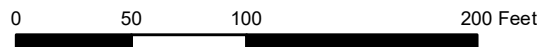


City Limits

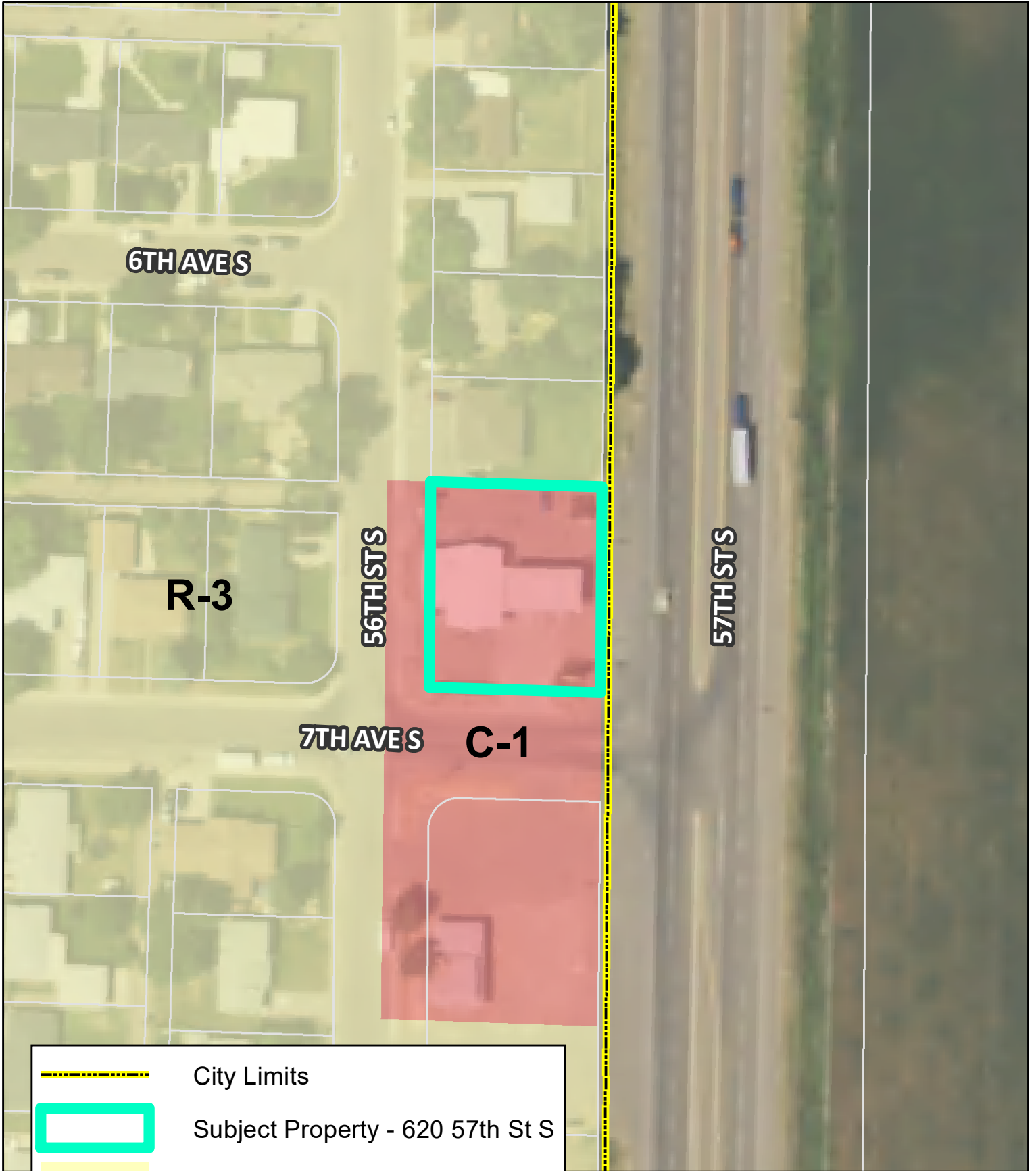
Subject Property - 620 57th St S







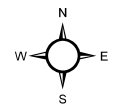
Date: 6/14/2021
Drawn By: Planning



Zoning Map



	City Limits
	Subject Property - 620 57th St S
	R-3 Single-family High Density
	C-1 Neighborhood Commercial



Date: 3/3/2021
Drawn By: Planning





February 19, 2021

Mr. Lonnie Hill, Planner
 City of Great Falls Planning & Community Development
 P.O. Box 5021
 Great Falls, MT 59403

RE: Proposed CUP; 620 57th Street South
 Property Owner: Set Five LLC

Dear Mr. Hill,

Thank you for the assistance you have provided to my client and myself during the past several days. Please let this correspondence serve as our formal “*narrative explaining the project and the reason for the request of a conditional use permit.*” Also attached, please find written narrative from Mr. Woods.

Written Description of Proposed Property Use

The intended project, as proposed, will remove all existing features (e.g., convenience store, fuel islands/pumps, canopy, signage, utilities, and all existing surfacing) and develop a carwash containing three (3) self-wash bays, one (1) auto wash bay, and conceptually a dog wash station. The new development will be a major improvement to the aging building and fueling facilities.

Permit Application

Please see attached, executed permit application with appurtenant fees.

Site Plan

Please see attached site plan containing the conceptual site layout and well as parking and landscaping codes, and how the City requirements will be addressed.

On behalf of my client, we appreciate the City’s cooperation and assistance on this matter. Please let me know if you have any questions or concerns regarding this submittal.

Sincerely,

Big Sky Civil & Environmental, Inc.

Joseph N. Murphy, P.E.

encl. Permit Application (w/ \$1500 fee)
 Site Plan

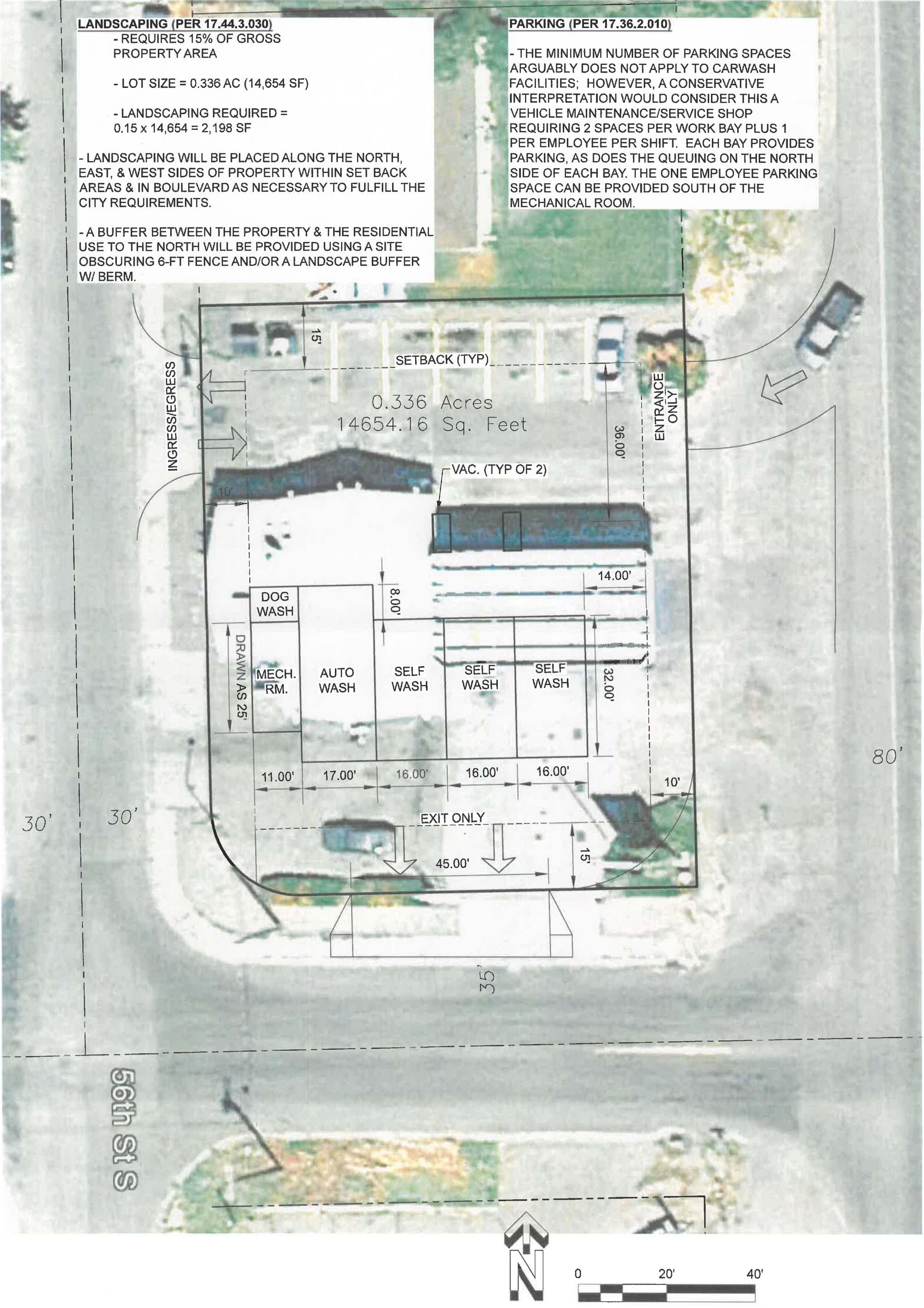
cc: Jim Woods, Set Five LLC

LANDSCAPING (PER 17.44.3.030)

- REQUIRES 15% OF GROSS PROPERTY AREA
- LOT SIZE = 0.336 AC (14,654 SF)
- LANDSCAPING REQUIRED = $0.15 \times 14,654 = 2,198$ SF
- LANDSCAPING WILL BE PLACED ALONG THE NORTH, EAST, & WEST SIDES OF PROPERTY WITHIN SET BACK AREAS & IN BOULEVARD AS NECESSARY TO FULFILL THE CITY REQUIREMENTS.
- A BUFFER BETWEEN THE PROPERTY & THE RESIDENTIAL USE TO THE NORTH WILL BE PROVIDED USING A SITE OBSCURING 6-FT FENCE AND/OR A LANDSCAPE BUFFER W/ BERM.

PARKING (PER 17.36.2.010)

- THE MINIMUM NUMBER OF PARKING SPACES ARGUABLY DOES NOT APPLY TO CARWASH FACILITIES; HOWEVER, A CONSERVATIVE INTERPRETATION WOULD CONSIDER THIS A VEHICLE MAINTENANCE/SERVICE SHOP REQUIRING 2 SPACES PER WORK BAY PLUS 1 PER EMPLOYEE PER SHIFT. EACH BAY PROVIDES PARKING, AS DOES THE QUEUING ON THE NORTH SIDE OF EACH BAY. THE ONE EMPLOYEE PARKING SPACE CAN BE PROVIDED SOUTH OF THE MECHANICAL ROOM.



Lonnie,

As discussed last week and on behalf of Mr. Woods, we wish to present information to the City regarding noise levels generated by vacuums at the proposed carwash facility. According to our meeting with the City several weeks ago, vacuum noise was the primary concern related to the proposed use. Attached to this email are several exhibits. The first attachment shows the distance from the edge of the nearest residence to the north edge of the vac islands; i.e., ~60-ft. The second attachment contains noise generation levels from the specific vacuum manufacturer intended for this site. Looking at the second page of the manufacturer's literature, the noise level at the 60 feet distance is in the range of 59.5-62.5 decibels. Keep in mind the proposed vegetation and site-obscuring fence along the property line will buffer noise levels *even further* for nearby residents.

The 3rd and 4th attachments give ranges of decibel levels for varying noises. The ~60 dB range is the equivalent of a "normal conversation" and "background music." Existing road noise from traffic on 57th Street S clearly presents much higher decibel levels than the vacuums. As an example, "jake" brakes on semis have noise levels in the range 100 dB.

In summary, the vacuums proposed for this site will create less noise than existing conditions and should not be cause for concern at the proposed locations. With this email, we respectfully request City support for the previously submitted CUP, including a 5-ft landscape buffer along the north property line.

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Big Sky Civil & Environmental, Inc.
P.O. Box 3625
Great Falls, MT 59403
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www.bigskyce.com

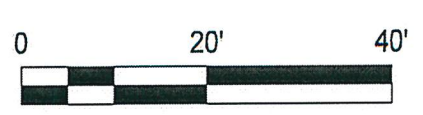
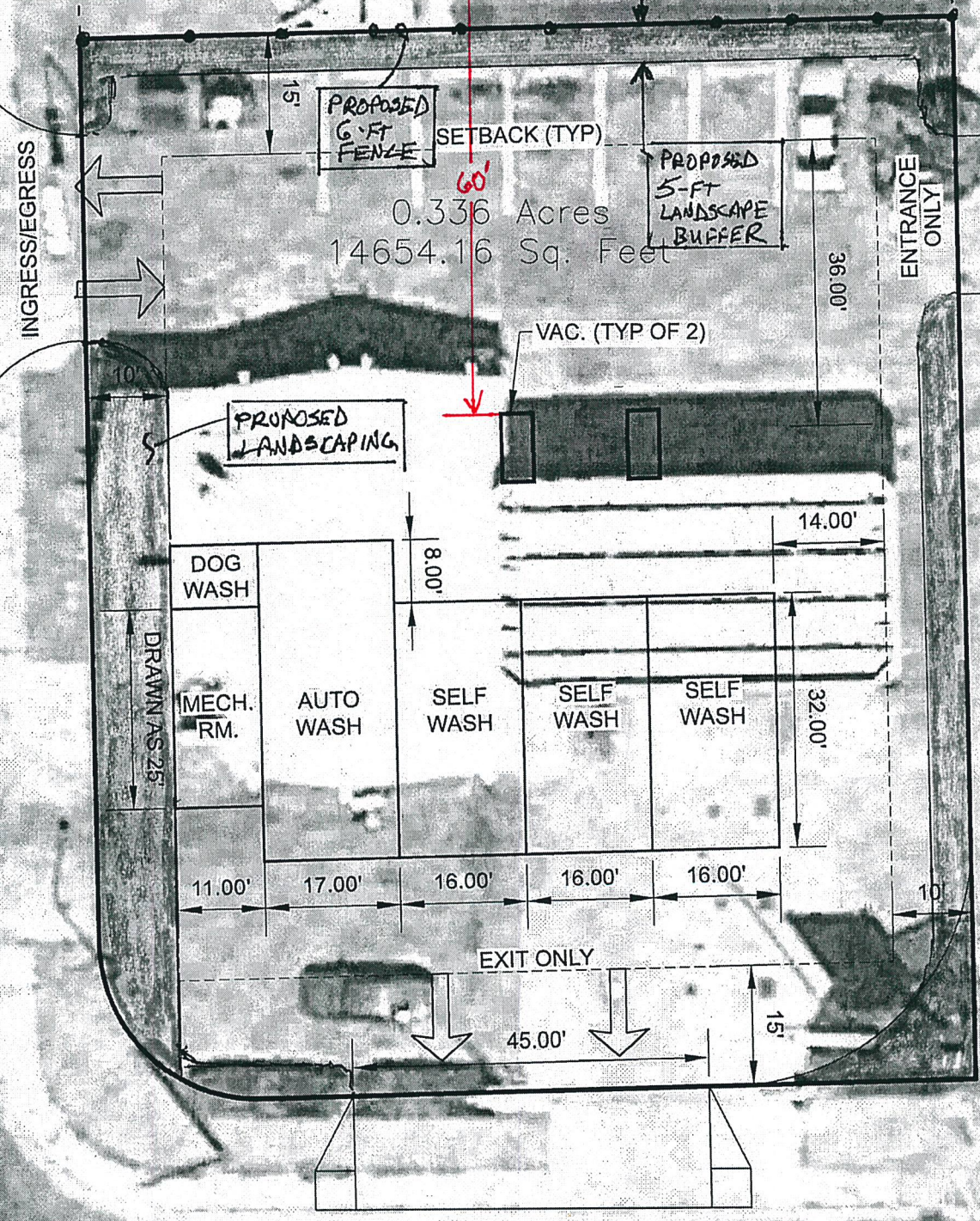


LANDSCAPING (PER 17.44.3.030)

- REQUIRES 15% OF GROSS PROPERTY AREA
- LOT SIZE = 0.336 AC (14,654 SF)
- LANDSCAPING REQUIRED = $0.15 \times 14,654 = 2,198$ SF
- LANDSCAPING WILL BE PLACED ALONG THE NORTH, EAST, & WEST SIDES OF PROPERTY WITHIN SET BACK AREAS & IN BOULEVARD AS NECESSARY TO FULFILL THE CITY REQUIREMENTS.
- A BUFFER BETWEEN THE PROPERTY & THE RESIDENTIAL USE TO THE NORTH WILL BE PROVIDED USING A SITE OBSCURING 6-FT FENCE AND/OR A LANDSCAPE BUFFER W/ BERM.

PARKING (PER 17.36.2.010)

- THE MINIMUM NUMBER OF PARKING SPACES ARGUABLY DOES NOT APPLY TO CARWASH FACILITIES; HOWEVER, A CONSERVATIVE INTERPRETATION WOULD CONSIDER THIS A VEHICLE MAINTENANCE/SERVICE SHOP REQUIRING 2 SPACES PER WORK BAY PLUS 1 PER EMPLOYEE PER SHIFT. EACH BAY PROVIDES PARKING, AS DOES THE QUEUING ON THE NORTH SIDE OF EACH BAY. THE ONE EMPLOYEE PARKING SPACE CAN BE PROVIDED SOUTH OF THE MECHANICAL ROOM.



66th St S



Sound Power and Narrow Band Report

Test Condition:

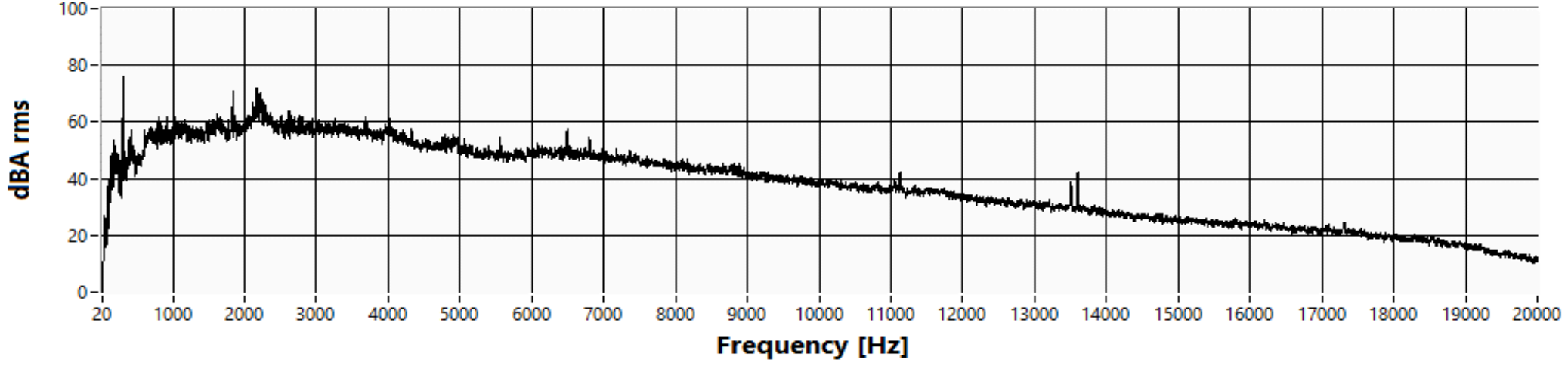
Customer: JE Adams
 Date: 5/10/2019
 Mtr Model Q6600-092T (2 mtrs)
 Unit: 9235-2

Volts 120
 Frequency 60 Hz
 By: Jonathan Johnson
 Test Method: ASTM F1334

JE Adams Unit 9235
 2 Motor Unit with Q6600-092T Motors.
 Large Steel Dome With Foam
 Inlet In Room Open Nozzle

FFT Data (Sound Pressure)

Mic Loc 1



Sound Power dBA 1/3 Octave Band		1/3 Octave Band Sound Pressure (RAW) dBA									
Sound Power: dBA		Center Freq (Hz)	Sound Power:	RSS Corr. Factor	Avg Sound Pressure	Mic Location					
FREQUENCY BAND (HZ)	SOUND POWER A-WEIGHT DB					1	2	3	4	5	6
20000	60.0	25	12.4	6.9	5.5	4.6	3.4	4.1	9.1	4.4	4.4
16000	65.0	31.5	14.4	-5.0	19.4	22.7	13.7	17.3	21.1	19.5	16.4
12500	70.0	40	21.1	4.4	16.7	14.9	18.1	16.5	17.0	16.9	16.2
10000	75.0	50	31.9	3.7	28.2	13.5	27.6	29.5	16.5	32.7	27.6
8000	80.0	63	36.6	9.7	26.9	24.6	27.7	28.1	25.2	25.4	28.8
6300	85.0	80	37.0	7.7	29.3	21.7	30.7	29.5	20.3	32.6	29.7
5000	90.0	100	44.0	2.0	42.0	42.4	42.0	40.7	41.0	41.6	43.5
4000	95.0	125	55.4	5.4	50.0	52.1	49.9	47.8	49.9	50.3	48.8
3150	100.0	160	58.5	2.2	56.3	56.8	56.5	55.6	54.5	54.6	58.7
2500	105.0	200	60.7	0.8	59.9	58.2	59.1	60.2	59.3	62.0	59.4
2000	110.0	250	60.3	1.1	59.2	60.4	58.0	58.5	56.8	59.9	60.4
1600	115.0	315	77.3	0.6	76.7	77.1	71.7	76.5	70.7	78.1	79.7
1250	120.0	400	67.0	0.3	66.7	68.1	66.9	67.3	64.1	67.6	65.0
1000	125.0	500	65.4	1.7	63.7	65.1	64.5	63.6	63.4	62.4	62.5
800	130.0	630	72.1	1.3	70.8	70.9	71.7	70.5	71.6	69.4	70.1
630	135.0	800	74.6	0.4	74.2	73.8	75.1	74.3	73.6	73.9	74.5
500	140.0	1000	76.3	0.3	76.0	76.1	76.4	75.0	75.5	76.8	75.8
400	145.0	1250	78.0	1.2	76.7	77.3	76.5	76.0	77.4	76.1	77.0
315	150.0	1600	80.8	1.5	79.3	79.4	79.0	79.5	79.5	79.5	78.9
250	155.0	2000	85.3	1.2	84.1	84.3	83.3	83.9	84.0	84.7	84.4
200	160.0	2500	85.5	2.3	83.1	82.7	82.8	83.1	83.4	83.5	83.4
160	165.0	3150	84.4	2.7	81.7	81.8	81.5	81.8	81.5	81.8	81.8
125	170.0	4000	83.0	2.7	80.3	80.3	80.3	80.0	80.3	80.2	80.4
100	175.0	5000	80.3	3.6	76.7	76.7	76.9	76.8	76.3	76.8	76.5
80	180.0	6300	80.3	4.7	75.6	75.4	75.8	75.5	75.4	75.4	75.7
63	185.0	8000	79.7	6.4	73.3	73.3	73.4	73.7	73.3	73.2	73.1
50	190.0	10000	75.6	7.5	68.1	68.2	68.0	68.9	68.1	67.7	67.8
40	195.0	12500	72.0	9.8	62.1	62.2	62.6	61.8	61.2	62.4	62.5
31.5	200.0	16000	68.5	13.2	55.3	55.0	55.5	55.7	54.4	55.7	55.5
25	205.0	20000	64.0	17.7	46.3	46.4	46.5	46.6	45.4	46.3	46.6

Overall Sound Power dBA: 92.7

(Sound Power = Total Sound Pressure + Reference Sound Source (RSS) Correction Factor)



Sound Power and Narrow Band Report

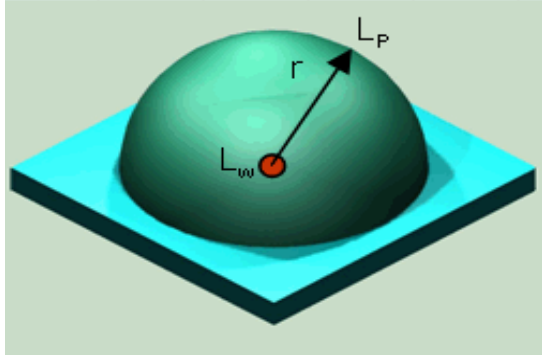
Customer: JE Adams
 Date: 5/10/2019
 Mtr Model Q6600-092T (2 mtrs)
 Unit: 9235-2

Volts 120
 Frequency 60 Hz
 By: Jonathan Johnson
 Test Method: ASTM F1334

Test Condition:

JE Adams Unit 9235
 2 Motor Unit with Q6600-092T Motors.
 Large Steel Dome With Foam
 Inlet In Room Open Nozzle

Sound Pressure At Distances From Unit (Sound Treated as Point Source)

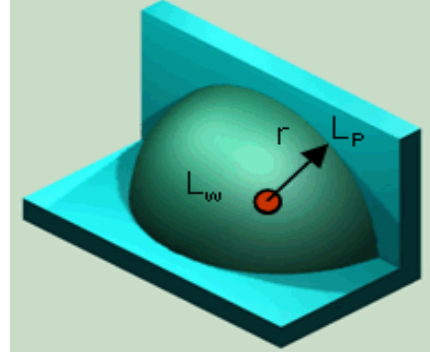


Half Sphere Q = 2

$$L_p = L_w + 10 \log \left(\frac{Q}{4\pi r^2} \right)$$

Lp = Sound Pressure dBA
 Lw = Sound Power
 Q = Directivity Factor
 r = Distance from Source

Sound Power = 92.7



Quarter Sphere Q = 4

Distance		Sound Pressure (dBA)
Feet	Meters	
5	1.5	81.1
10	3.0	75.1
15	4.6	71.5
25	7.6	67.1
30	9.1	65.5
35	10.7	64.2
40	12.2	63.0
45	13.7	62.0
50	15.2	61.1
55	16.8	60.2
60	18.3	59.5
75	22.9	57.6
80	24.4	57.0
85	25.9	56.5
90	27.4	56.0
95	29.0	55.5
100	30.5	55.1

Distance		Sound Pressure (dBA)
Feet	Meters	
5	1.5	84.1
10	3.0	78.1
15	4.6	74.5
25	7.6	70.1
30	9.1	68.5
35	10.7	67.2
40	12.2	66.0
45	13.7	65.0
50	15.2	64.1
55	16.8	63.3
60	18.3	62.5
75	22.9	60.6
80	24.4	60.0
85	25.9	59.5
90	27.4	59.0
95	29.0	58.5
100	30.5	58.1

Noise Sources and Their Effects

Noise Source	Decibel Level	comment
Jet take-off (at 25 meters)	150	Eardrum rupture
Aircraft carrier deck	140	
Military jet aircraft take-off from aircraft carrier with afterburner at 50 ft (130 dB).	130	
Thunderclap, chain saw. Oxygen torch (121 dB).	120	Painful. 32 times as loud as 70 dB.
Steel mill, auto horn at 1 meter. Turbo-fan aircraft at takeoff power at 200 ft (118 dB). Riveting machine (110 dB); live rock music (108 - 114 dB).	110	Average human pain threshold. 16 times as loud as 70 dB.
Jet take-off (at 305 meters), use of outboard motor, power lawn mower, motorcycle, farm tractor, jackhammer, garbage truck. Boeing 707 or DC-8 aircraft at one nautical mile (6080 ft) before landing (106 dB); jet flyover at 1000 feet (103 dB); Bell J-2A helicopter at 100 ft (100 dB).	100	8 times as loud as 70 dB. Serious damage possible in 8 hr exposure
Boeing 737 or DC-9 aircraft at one nautical mile (6080 ft) before landing (97 dB); power mower (96 dB); motorcycle at 25 ft (90 dB). Newspaper press (97 dB).	90	4 times as loud as 70 dB. Likely damage 8 hr exp
Garbage disposal, dishwasher, average factory, freight train (at 15 meters). Car wash at 20 ft (89 dB); propeller plane flyover at 1000 ft (88 dB); diesel truck 40 mph at 50 ft (84 dB); diesel train at 45 mph at 100 ft (83 dB). Food blender (88 dB); milling machine (85 dB); garbage disposal (80 dB).	80	2 times as loud as 70 dB. Possible damage in 8 h exposure.
Passenger car at 65 mph at 25 ft (77 dB); freeway at 50 ft from pavement edge 10 a.m. (76 dB). Living room music (76 dB); radio or TV-audio, vacuum cleaner (70 dB).	70	Arbitrary base of comparison. Upper 70s are annoyingly loud to some people.

Conversation in restaurant, office, background music, Air conditioning unit at 100 ft	60	Half as loud as 70 dB. Fairly quiet
Quiet suburb, conversation at home. Large electrical transformers at 100 ft	50	One-fourth as loud as 70 dB.
Library, bird calls (44 dB); lowest limit of urban ambient sound	40	One-eighth as loud as 70 dB.
Quiet rural area	30	One-sixteenth as loud as 70 dB. Very Quiet
Whisper, rustling leaves	20	
Breathing	10	Barely audible

[modified from <http://www.wenet.net/~hpb/dblevels.html>] on 2/2000. SOURCES: Temple University Department of Civil/Environmental Engineering (www.temple.edu/departments/CETP/enviro10.html), and *Federal Agency Review of Selected Airport Noise Analysis Issues*, Federal Interagency Committee on Noise (August 1992). Source of the information is attributed to *Outdoor Noise and the Metropolitan Environment*, M.C. Branch et al., Department of City Planning, City of Los Angeles, 1970.