

**JOURNAL OF COMMISSION WORK SESSION**  
**October 16, 2012**

City Commission Work Session

Mayor Winters presiding

**CALL TO ORDER:** 5:30 p.m.

**ROLL CALL:** City Commissioners present: Michael J. Winters, Bill Bronson, Fred Burow, Mary Jolley, and Robert Jones.

**STAFF PRESENT:** City Manager; Deputy City Manager; Interim City Attorney; Directors of Fiscal Services, Planning and Community Development, and Public Works; Police Chief; and the City Clerk Administrative Secretary.

**1. RESOLUTION ESTABLISHING PROTOCOL FOR VIDEO RECORDING EQUIPMENT PLACEMENT AND USE DURING COMMISSION MEETINGS**

Interim City Attorney Dave Nielsen explained that the resolution was drafted at the request of the City Commission for the regulation of video and television cameras within the Commission Chambers to establish the number, placement location, and wiring connections to assure everyone has equal opportunity to make recordings and to prevent disruption of meetings and a public hazard.

Mr. Nielsen questioned requiring video devices to be set up prior to the opening of the meeting, as some of the public television stations arrive during the meeting. He reviewed the proposed protocol:

1. No person may operate, attend to or manipulate more than one video device at a public meeting, regardless of whether the recording device is hand-held or affixed to a tripod or other portable mechanical support.
2. All video devices placed on a tripod or other mechanical stand in the Commission Chambers must be located in the designated area on the east side of the Chambers. Video devices used by members of the press or publicly-broadcasted television stations are given priority locations within the meeting room to optimize the recording quality of the video device. In the City Commission Chambers, Room 206, Civic Center, public television is allowed to be located closest to the public podium and to the Commission seating. The video devices used by the Government Access Channel (City 7) are given first priority for placement location, and other public television media are given second priority on a first-come, first-serve basis.
3. Wires used directly or indirectly by the video devices, whether for electrical power, microphone connections or remote controls of device, must be placed in a neat and orderly fashion and may not loosely cross aisles used by persons for ingress and egress from the meeting room or moving freely about the meeting room to access seating areas and the public podium. Wiring that must cross these areas must be covered, anchored or otherwise securely protected to prevent tripping by persons walking over the wires.

4. A video device may not be set upon a tripod or other portable mechanical stand in a location whereby the video device and the person operating, attending or manipulating the video device does not allow for unobstructed passage by a person using any aisle with no less than three (3) feet in width, including aisles established by movable seating.

5. Video devices mounted on a tripod or other mechanical supports or needing the running of wires to be connected or used in conjunction with the video device shall be set up prior to the opening of the meeting to avoid interference with the conduct of the meeting and to not block, hinder or impede public members from attending, observing and hearing the meeting.

The consensus of the Commission was to proceed with the resolution, softening language requiring video devices be set up prior to the opening of the meeting.

**2. AGRITECH PARK**

Interim City Attorney Dave Nielsen commented that a public hearing was held for the AgriTech Park on October 2, 2012, and the project was tabled until November 7, 2012. He stated that he strongly advised the City Commission to not engage in any negotiation or discussion with either the developer or any interested party of the AgriTech Park until the process has been completed. Recommendations may be made through staff to the Commission.

Planning and Community Development Director Mike Haynes provided a PowerPoint presentation on the proposed AgriTech project.

<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 1 – Development east of 67<sup>th</sup> Street          Issue 2 – Development of Lot 8          Issue 3 – Prohibited Uses          Issue 4 – Environmental Impacts          Issue 5 – Development Review Process          Issue 6 – Annexation Timing</p>	<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 1 – Development east of 67<sup>th</sup> Street</p> <p>Facts:</p> <ul style="list-style-type: none"> <li>• Subject property contains ±26 acres of land east of 67<sup>th</sup> Street (±13% of property)</li> <li>• Proposed Lots 9 &amp; 10</li> <li>• Zoned AG in Cascade County</li> <li>• County does not support development</li> <li>• Drains towards Whitmore Ravine</li> </ul>												
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## AgriTech Project

### Issue 2 – Development of Lot 8

**Facts:**

- Proposed Lot 8 contains 23.27 acres
- No-build line excludes ±7 acres from dev.
- Most visible lot being right above Overlooks
- Drains to Giant Springs State Park

## AgriTech Project

Issue 2 – Development of Lot 8



## AgriTech Project

Issue 2 – Development of Lot 8



## AgriTech Project

### Issue 2 – Development of Lot 8

**Options:**

Option	Result	Potential Concerns
1. Allow development of Lot 8 per applicant's request.	Development will be permitted albeit with clear constraints based on lot configuration.	Building/s will still be clearly visible from Overlooks, RET, etc.
2. Establish specific development standards for Lot 8.	Property will be developed according to set standards.	Late in process.
3. Conserve Lot 8 as an open space buffer – prohibit development.	Property will not be developed . FWP. Low impact development?	Who will be required to maintain in its natural state?

## AgriTech Project

### Issue 3 – Prohibited Uses

**Facts:**

- Staff proposed prohibiting the highest impact uses: Fuel Tank Farms, Freight Terminals, Helipads, Junkyards (PS&R), Motor Vehicle Graveyards, Telecommunications and Utilities
- GFDA was only willing to prohibit Helipads and Motor Vehicle Graveyards

## AgriTech Project

### Issue 3 – Prohibited Uses

**Options:**

Option	Result	Potential Concerns
1. Leave prohibited uses as Helipads and Motor Vehicle Graveyards per applicant's request.	Most heavy industrial uses permitted. FWP.	Leaves a wide range of permitted uses that have potentially high impacts.
2. Expand prohibited uses to include : Fuel Tank Farms? Freight Terminals? Telecommunications Fac.? Utility Installations? Junkyards? PS&R	Some additional uses prohibited.	Will limit development but of uses unlikely to locate at AgriTech.

## AgriTech Project

### Issue 4 – Environmental Impacts

**Facts:**

- Some conditions of development now in the Annexation Agreement & voluntary CCRs
- Environmental concerns are many but include:
  - Unbuildable areas (greater than 150 feet)
  - Retrieval of litter
  - Light pollution & building colors (comm. reasonable?)
  - Mitigate negative STW impacts offsite infrastructure
  - Master STW system, not lot by lot

## AgriTech Project

### Issue 4 – Environmental Impacts

**Options:**

Option	Result	Potential Concerns
1. Leave development standards and restrictions unchanged per applicant's request.	Development will be subject to the AA and CCRs (when they are completed).	Development standards have not been established.
2. Expand/tighten up conditions under which development will occur.	There will be further assurances that development will be sensitive to the environment and community standards.	Changing a potentially long list of conditions at this stage in the process is awkward. Late in the process.

<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 5 – Development Review Process</p> <p>Facts:</p> <ul style="list-style-type: none"> <li>• Annexation agreement covers only the most basic of development standards</li> <li>• GFDA has committed to voluntary CCRs (Covenants, Conditions &amp; Restrictions) a template for which has been created</li> <li>• City does not enforce CCRs</li> </ul>	<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 5 – Development Review Process</p> <p>Options:</p> <table border="1"> <thead> <tr> <th>Option</th> <th>Result</th> <th>Potential Concerns</th> </tr> </thead> <tbody> <tr> <td>1. Allow development of each lot to occur without review per applicant's request.</td> <td>Accept Annexation Agreement and CCRs will provide adequate protections.</td> <td>City has very limited control over development. What recourse if development does not meet expectations of the community?</td> </tr> <tr> <td>2. City Commission reviews specific development plans.</td> <td>Staff and Commission will have opportunity to review development plans with known use, user and impacts. Lots 9 and 10?</td> <td>Potential lot buyers would complete this process before closing. Expedited – could just be one CC meeting. Solves Issues 2, 3 &amp; 4.</td> </tr> </tbody> </table>	Option	Result	Potential Concerns	1. Allow development of each lot to occur without review per applicant's request.	Accept Annexation Agreement and CCRs will provide adequate protections.	City has very limited control over development. What recourse if development does not meet expectations of the community?	2. City Commission reviews specific development plans.	Staff and Commission will have opportunity to review development plans with known use, user and impacts. Lots 9 and 10?	Potential lot buyers would complete this process before closing. Expedited – could just be one CC meeting. Solves Issues 2, 3 & 4.
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<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 6 – Annexation Timing</p> <p>Facts:</p> <ul style="list-style-type: none"> <li>• The ±200 acre Advanced Bio-fuels (former ethanol plant) property was “conditionally annexed” with I-2 zoning in 1992</li> <li>• Twenty years later it is undeveloped but legally in the City and zoned heavy industrial</li> </ul>	<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 6 – Annexation Timing</p> <p>Options:</p> <table border="1"> <thead> <tr> <th>Option</th> <th>Result</th> <th>Potential Concerns</th> </tr> </thead> <tbody> <tr> <td>1. Annex the AgriTech property immediately.</td> <td>Property will be annexed regardless of future development.</td> <td>If the AgriTech Park does not develop there may be ±400 acres of undeveloped property zoned I-2 without a development plan/program.</td> </tr> <tr> <td>2. Annex the AgriTech property upon commencement of development.</td> <td>Development is the trigger for annexation and final plat. Serve to tie annexation to initial development.</td> <td></td> </tr> </tbody> </table>	Option	Result	Potential Concerns	1. Annex the AgriTech property immediately.	Property will be annexed regardless of future development.	If the AgriTech Park does not develop there may be ±400 acres of undeveloped property zoned I-2 without a development plan/program.	2. Annex the AgriTech property upon commencement of development.	Development is the trigger for annexation and final plat. Serve to tie annexation to initial development.	
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<p style="text-align: center;"><b>AgriTech Project</b></p> <p>Issue 1 – Development east of 67<sup>th</sup> Street - Annex with I-2, Annex with POS, Leave as AG in County</p> <p>Issue 2 – Development of Lot 8 - Allow “low-impact” development , Establish Development Standards, Retain as open space buffer</p> <p>Issue 3 – Prohibited Uses - Allow all but two I-2 uses or Prohibit less-likely but high-impact uses</p> <p>Issue 4 – Environmental Impacts - Leave AA unchanged or Add further protections</p> <p>Issue 5 – Development Review Process - No Development Review Process or Expedited Staff/CC review of actual projects</p> <p>Issue 6 – Annexation Timing - Allow immediate annexation or Development triggers annexation</p>										

Mr. Haynes referenced a letter from Cascade County Commissioners conveying support of retaining properties to the east of 67<sup>th</sup> Street as agricultural land within the County.

Mr. Haynes requested direction from the Commission for options they wish to consider at the November 7, 2012 City Commission meeting.

Commissioner Jones noted there are currently companies interested in some of the lots, including Pacific Steel & Recycling and Montana Specialty Mills.

Commissioner Bronson believes that because of development standards and issues with Whitmore Ravine, annexation of any property east of 67<sup>th</sup> Street would be subject to special development standards and review process.

Mr. Nielsen commented that additions and subtractions cannot be made to zoning classifications established by a governing body in Montana. However, restrictive covenants can be used to change land uses.

City Manager Greg Doyon questioned if a condition of annexation could limit land uses. Mr. Nielsen responded that conditions must be included prior to annexation.

Mr. Haynes stated an option could be to zone Planned Unit Development (PUD).

Mayor Winters questioned if a restrictive covenant could be applied to the land east of 67<sup>th</sup> Street. Mr. Nielsen responded that could be a consideration.

Mr. Doyon encouraged the Commission to be mindful of the City getting in the business of enforcing restrictive covenants.

Commissioner Jolley questioned the option to replat the property so the lots east of 67<sup>th</sup> Street would not be annexed. She noted that Great Falls Development Authority (GFDA) has stated the project is not feasible without those lots.

Mr. Haynes responded that GFDA has maintained that all 10, I-2 zoned lots are required to make the project financially feasible.

Commissioner Jones noted that Lots 9 & 10 were included after water had been provided to the project. He believes Lots 9 & 10 should be removed from the project.

Mr. Doyon cautioned moving forward without clear expectation of development.

After further discussion, the consensus of the Commission was concern over Lots 9 & 10, with consideration of Issues 5 and 6.

### ADJOURN

There being no further discussion, Mayor Winters adjourned the informal work session of October 16, 2012, at 6:47 p.m.