



**Item:** Public Hearing – Resolution 9993 to Annex, Ordinance 3097 to assign City Zoning, Annexation Agreement and the Final Plat all pertaining to AgriTech Park Addition

**From:** Mike Haynes, AICP, Director of Planning and Community Development

**Initiated By:** Great Falls Development Authority

**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development

**Action Requested:** City Commission adopt Resolution 9993 and Ordinance 3097 and approve the Final Plat and Annexation Agreement all pertaining to AgriTech Park Addition.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motions:** (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9993 and (approve/disapprove) the Final Plat and Annexation Agreement all pertaining to AgriTech Park Addition.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3097.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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**Recommendation:** At the conclusion of a public hearing held on July 10, 2012, the Planning Advisory Board/Zoning Commission conditionally approved the Preliminary Plat of AgriTech Park Addition and recommended that the City Commission approve annexation of ±196.549 acres of land and assign a zoning classification of I-2 Heavy Industrial to the 10 lots in the subdivision. During a meeting held on August 7, 2012, the City Commission conditionally approved the Preliminary Plat of AgriTech Park Addition, as recommended by the Planning Advisory Board. During a meeting held on August 28, 2012, the Planning Advisory Board

recommended City Commission approve the Final Plat of AgriTech Park Addition subject to conditions.

Ordinance 3097 to assign City zoning to AgriTech Park Addition, was accepted by the City Commission on first reading on September 4, 2012. Notice of Public Hearing before the City Commission for the annexation, establishment of City zoning, and Final Plat for AgriTech Park Addition was published in the *Great Falls Tribune* on September 16, 2012.

**Background:** AgriTech Park Addition is a proposed rail-served heavy industrial park with an emphasis on value-added processing of agricultural products. The subject property is generally located north of 18th Avenue North, both east and west of 67th Street North. The property comprises ±196.549 acres of which ±193.684 are proposed as industrial lots and ±2.865 is the right-of-way of 67th Street North.

That portion of the subject property lying west of 67th Street North is undeveloped and used for dry-land farming, and has County I-2 (Heavy Industrial) zoning. That portion of the subject property lying east of 67th Street North is undeveloped and used for dry-land farming and has County AG (Agricultural) zoning (see Exhibit A-Zoning Map).

South of the subject property is the “American Agri-Tech Addition” that has I-2 Heavy Industrial zoning in the city, but remains undeveloped and used for dry-land farming. This property provides contiguity with the City of Great Falls municipal boundary and has been slated for development of an ethanol plant (now advanced bio-fuels plant) since the early 1990s.

Adjacent to, and north of, the subject property is Giant Springs State Park comprised of state-owned (Fish, Wildlife and Parks - FWP) land and PPL land managed by FWP. West of the subject property is largely undeveloped property owned by water-bottler Source Giant Springs with some industrial uses beyond that (north of 18th Avenue North and west of 52nd Street North). East of the subject property is more undeveloped land owned by the Loy Trust, with Whitmore Ravine running generally south to north through that property and out-falling into the Missouri River (see Exhibit B-Aerial Photo).

The Applicant, Great Falls Development Authority (GFDA), has submitted applications regarding the following:

1. Annexation of AgriTech Park Addition, a tract of land located in GLO Lots 8 & 9, the SW1/4, and the SE1/4 of Section 34, T21N, R4E, P.M.M., Great Falls, Cascade County, MT. Case number ANX2012-2 (see Exhibit C-Resolution 9993).
2. Final Plat of AgriTech Park Addition, a tract of land located in GLO Lots 8 & 9, the SW1/4, and the SE1/4 of Section 34, T21N, R4E, P.M.M., Great Falls, Cascade County, MT. Case number SUB2012-1 (see Exhibit D-Final Plat and Exhibit E-Findings of Fact).
3. Rezoning of the property from the current Cascade County I-2 (Heavy Industrial) and AG (Agricultural) to City zoning of I-2 (Heavy Industrial). Case number ZON2012-2 (see Exhibit E-Ordinance 3097).

The project is speculative, in that the types of industrial uses and specific businesses that may opt to locate in the AgriTech Park are unknown. Given there are no development plans to review at this time, common practice would be to establish, in a Development Agreement, what uses

would be permitted on the subject property and a set of development standards to be met by the industrial end-users. The Applicant has proposed instead to develop voluntary Covenants in an effort to mitigate the impacts of development (see Exhibit G-Annexation Agreement).

It should be noted that the City could create an Overlay District for the subject property that would establish additional development and performance standards if the provisions of proposed Covenants are deemed insufficient to ensure a desirable built-form.

The Applicant proposes to bring water and sewer to serve the project from the west. It is proposed to extend the existing rail spur that now runs south, of and parallel to, 18th Avenue North to just east of 52nd Street North, on further east to serve the project.

The proposed AgriTech Park project comprises 10 lots. Proposed Lots 1-8 are located on the west side of 67th Street North and proposed Lots 9-10 are located east of 67th Street North (see Exhibit D-Final Plat). It is proposed to construct the rail extension across 18th Avenue North and northeast through the subject property crossing 67th Street and then running south between proposed Lots 9 and 10. Of the eight proposed development sites west of 67th Street North, proposed Lots 1 and 8 would be on the north side of the proposed rail line extension and proposed Lots 2-7 on the south side.

Development on Lots 1 and 8 are of particular concern due to their location closest to, and overlooking, the Missouri River, the River's Edge Trail, the Rainbow Dam and Lewis and Clark Overlooks, and Giant Springs State Park. Lots 1 and 8 also present the greatest challenges for development with both lots having at least 40 feet of elevation change as land slopes off to Giant Springs State Park and to the Missouri River. FWP supports development of the AgriTech Park project, but only with "adequate and effective protections for Giant Springs State Park" (see FWP letter included in Exhibit H).

The most cost-effective solution to protecting the viewshed from the river corridor and to ease concerns regarding stormwater run-off is for the provision of open space buffers along the northern boundary of Lots 1 and 8. The Applicant is proposing a 150-foot no-build zone from the northern property line adjacent to State of Montana property. In addition, the developer has agreed to limit building heights for an addition 450 feet beyond the no-build zone in order to help mitigate the effects of development on the adjacent properties (see Exhibit G-Annexation Agreement).

Development on Lots 2-7 is less of a concern in terms of viewshed impacts, but there remain standard concerns with regard to the potential impacts of industrial development in terms of noise, light pollution, dust, litter, drainage, etc. The developer has committed to mitigating some of these impacts through voluntary Covenants placed on the subject property (see Exhibit G-Annexation Agreement).

Proposed development sites east of 67th Street North are Lots 9 and 10. This ±26 acre property comprises about 13 percent of the overall subject property and has AG (Agricultural) zoning in Cascade County. The Applicant is requesting to annex this property into the City with I-2 (Heavy Industrial) zoning along with the property west of the 67th Street North that has I-2 (Heavy Industrial) zoning in the County.

Cascade County Commissioners declined to rezone the property east of 67<sup>th</sup> Street North to I-2 (Heavy Industrial), and they maintain that industrial development in this area is not appropriate because of (1) its proximity to the River's Edge Trail and Missouri River Recreational Corridor; (2) its proximity to Malmstrom AFB housing; and, (3) most importantly, its proximity to, and impact on, Whitmore Ravine, which has experienced significant erosion and represents a serious environmental problem, that it is estimated will cost over \$10 million to resolve. The Cascade County Commissioners letter is included in Exhibit H.

The Applicant has been working with the Public Works Department to reach agreement related to requirements for improvements to the water, sewer, street and stormwater systems. These agreements are part of the Annexation Agreement, which is attached as Exhibit G, and will require final approval by City Commission.

The Great Falls Development Authority gave a presentation to Neighborhood Council #4 on August 25, 2011. There were no comments from Council 4 at that time. Patty Cadwell, Neighborhood and Youth Council Coordinator, provided updated application information to Council #4 on June 27, 2012. At the time the staff report was written there were no comments from Neighborhood Council #4 related to the application.

Cascade County Commissioners, Montana State Parks and PPL Montana have provided letters of concern regarding this project. Over time, the Planning and Community Department has received letters and emails, and fielded questions about this proposed project from various environmental, recreational and preservation groups as well as concerned individual citizens. Copies of all written comments received on the project are included as Exhibit H to this report.

Since being introduced to AgriTech Park project in early 2010, City planning staff have expressed concerns regarding the potential impacts of the proposed project given the wide range of heavy industrial uses that would be permitted in the AgriTech Park, the lack of specific development plans for any of the lots, and the limited mitigation measures proposed given the environmentally-sensitive location of the property.

For those reasons, planning staff recommended to the Planning Board that proposed Lots 9 and 10 (the AgriTech Park property east of 67<sup>th</sup> Street North) be assigned an initial zoning of POS (Parks & Open Space), generally consistent with the current AG (Agricultural) designation in Cascade County, until such time as the first lots in the AgriTech Park were developed and a request to rezone to Industrial could be evaluated based on experience of that early development. It was also recommended that an expedited Specific Parcel Master Plan (SPMP) process be established to allow the Planning Board and City Commission to review actual development proposals for each lot as prospective buyers emerge (see Planning Board Staff Report-Exhibit I). At the public hearing on July 10, 2012, by a vote of 6-2, the Planning Board/Zoning Commission recommended that the entire subject property be zoned I-2 (Heavy Industrial) and the proposed SPMP process received little discussion or support.

It should be noted that in 1992 the ±200-acre "ethanol plant" property was conditionally annexed into the City. From reading the 1992 Annexation Agreement the intent was clearly to annex the property specifically for, and conditioned on, the proposed ethanol plant use. When city staff reviewed those documents with the landowner in 2010, prompted by the question of whether the ethanol plant property was legally annexed and provided contiguity to the AgriTech property, it

was equally clear that the “conditions” of annexation could not be enforced and the property was legally within city limits. While there is renewed interest in developing the site with an advanced biofuels plant, the fact remains that ±200 acres of heavy industrial-zoned property has remained undeveloped for 20 years.

If the ±196-acre AgriTech Park property is annexed and zoned I-2 (Heavy Industrial), there will be a total of almost 400 acres of I-2 (Heavy Industrial) zoned property in the easternmost part of the City, without any definitive development program or development plans. For that reason it is noted that, consistent with all Annexation Agreements, the provisions and terms of the AgriTech Annexation Agreement runs with the land and bind the present owners, their devisees, heirs, successors and assigns.

The recommendation in this report is that of the Planning Advisory Board/Zoning Commission and the draft Annexation Agreement memorializes the agreements reached by city staff and the applicant subsequent to the public hearing, at the request of the Planning Advisory Board Chairman.

**Concurrences:** Various City Departments and the County have been involved in the review process over time.

**Fiscal Impact:** The applicant intends to establish a TIF District that encompasses the project (and the Advanced Biofuels project if that proceeds). That would result in the tax increment generated by the project, or a portion thereof, being directed back into the district for the time the TIF District is in existence. The City will bear the costs of providing services to the project.

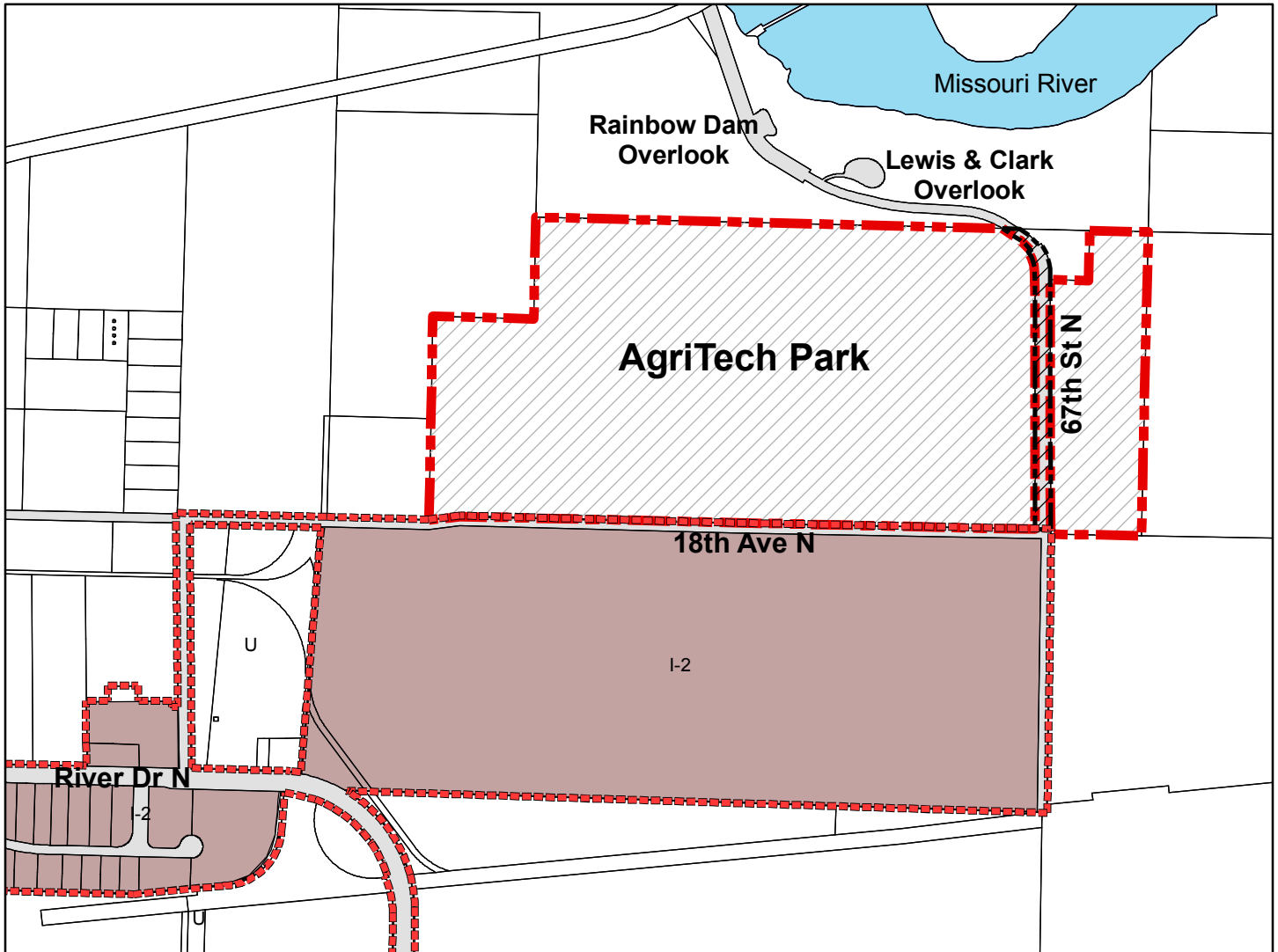
**Alternatives:** The City Commission could adopt or deny Resolution 9993 annexing the AgriTech Park Addition into the City.

**Attachments/Exhibits:**

- A. Zoning Map
- B. Aerial Photo
- C. Resolution 9993
- D. Final Plat
- E. Ordinance 3097
- F. Findings of Fact
- G. Annexation Agreement
- H. Written Public Comment
- I. Planning Board Staff Report

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood & Youth Council Coordinator  
Randall McCamley, Fire Chief  
Susan Conell, Cascade County, [sconell@casadecountymt.gov](mailto:sconell@casadecountymt.gov)  
Great Falls Development Authority, Brett Doney, [bdoney@gfdevelopment.org](mailto:bdoney@gfdevelopment.org)  
John Juras, TD&H Engineering, [john.juras@tdhengineering.com](mailto:john.juras@tdhengineering.com)

# Exhibit A Zoning Map



City Limits	C-4 Central business core	R-1 Single-family suburban
AgriTech Park	C-5 Central business periphery	R-2 Single-family medium density
Right of Way Being Annexed	I-1 Light industrial	R-3 Single-family high density
Tracts of Land	I-2 Heavy industrial	R-5 Multi-family medium density
<b>ZONING</b>	M-1 Mixed-use district	R-6 Multi-family high density
AI Airport Industrial	M-2 Mixed-use transitional	R-9 Mixed residential
C-1 Neighborhood commercial	PLI Public lands institutional	R-10 Mobile home park
C-2 General commercial	POS Park Open Space	Unincorporated Enclave
C-3 Highway commercial	PUD Planned unit development	Right-of-Way




650 325 0 650 Feet

N

AgriTech Park

# Exhibit B Aerial Map



- City Limits
-  AgriTech Park
-  Right of Way Being Annexed
-  Tracts of Land



AgriTech Park

**Exhibit C**

RESOLUTION 9993

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE AGRITECH PARK ADDITION, LOCATED IN GLO LOTS 8 & 9 IN THE SE1/4 & SW1/4 SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

AgriTech Park Addition, located in GLO Lots 8 & 9 in the SE1/4 & SW1/4 Section 34, Township 21 North, Range 4 East, Cascade County, Montana, and containing ±196.549 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of AgriTech Park Addition; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.



NOW, THEREFORE, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "AGRITECH PARK ADDITION, LOCATED IN GLO LOTS 8 & 9 IN THE SE1/4 & SW1/4 SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2<sup>nd</sup> day of October, 2012.

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Michael J. Winters, Mayor

ATTEST:

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Lisa Kunz, City Clerk

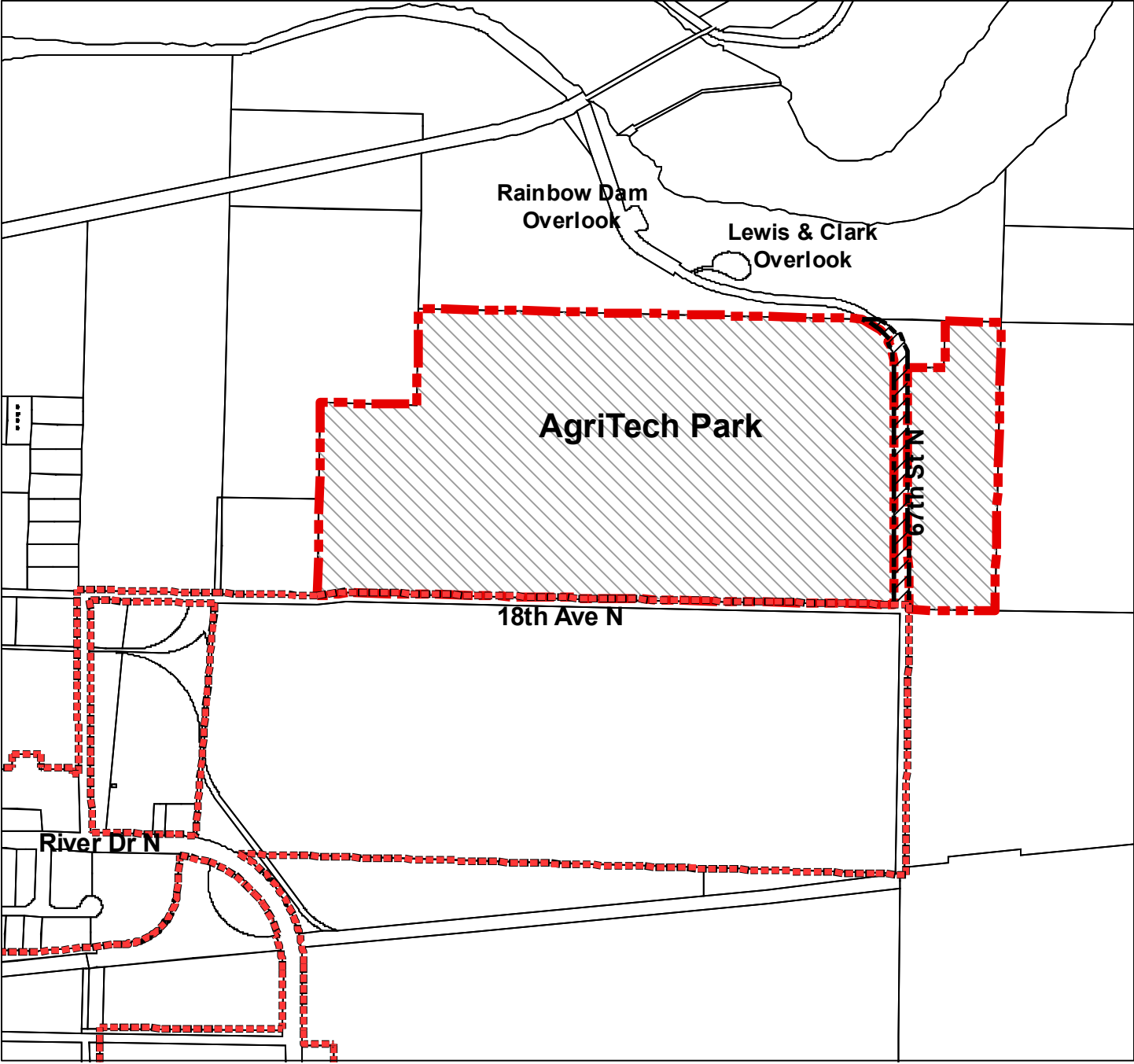
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

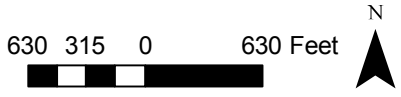
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David L. Nielsen, Interim City Attorney

# Attachment A Resolution 9993



- City Limits
- ▨ AgriTech Park
- ▨ Right of Way Being Annexed
- Tracts of Land

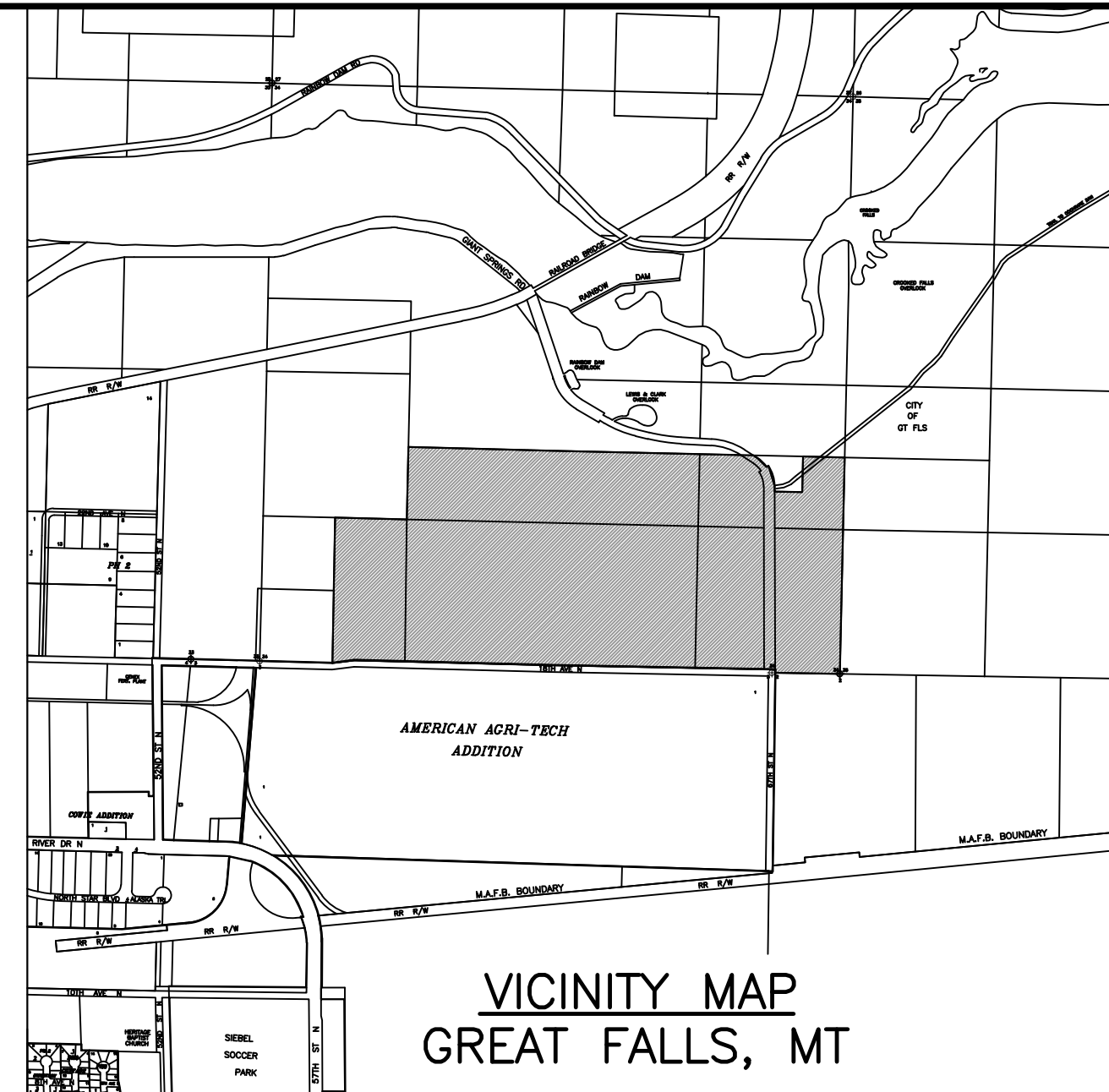


AgriTech Park

# A PLAT OF THE AGRITECH PARK ADDITION

A TRACT OF LAND LOCATED IN LOTS 8 & 9, THE SW1/4, AND THE SE1/4 OF SECTION 34, T21N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LAND OWNERS: JOHN R. LOY TRUST B ETAL, CASCADE COUNTY



VICINITY MAP  
GREAT FALLS, MT

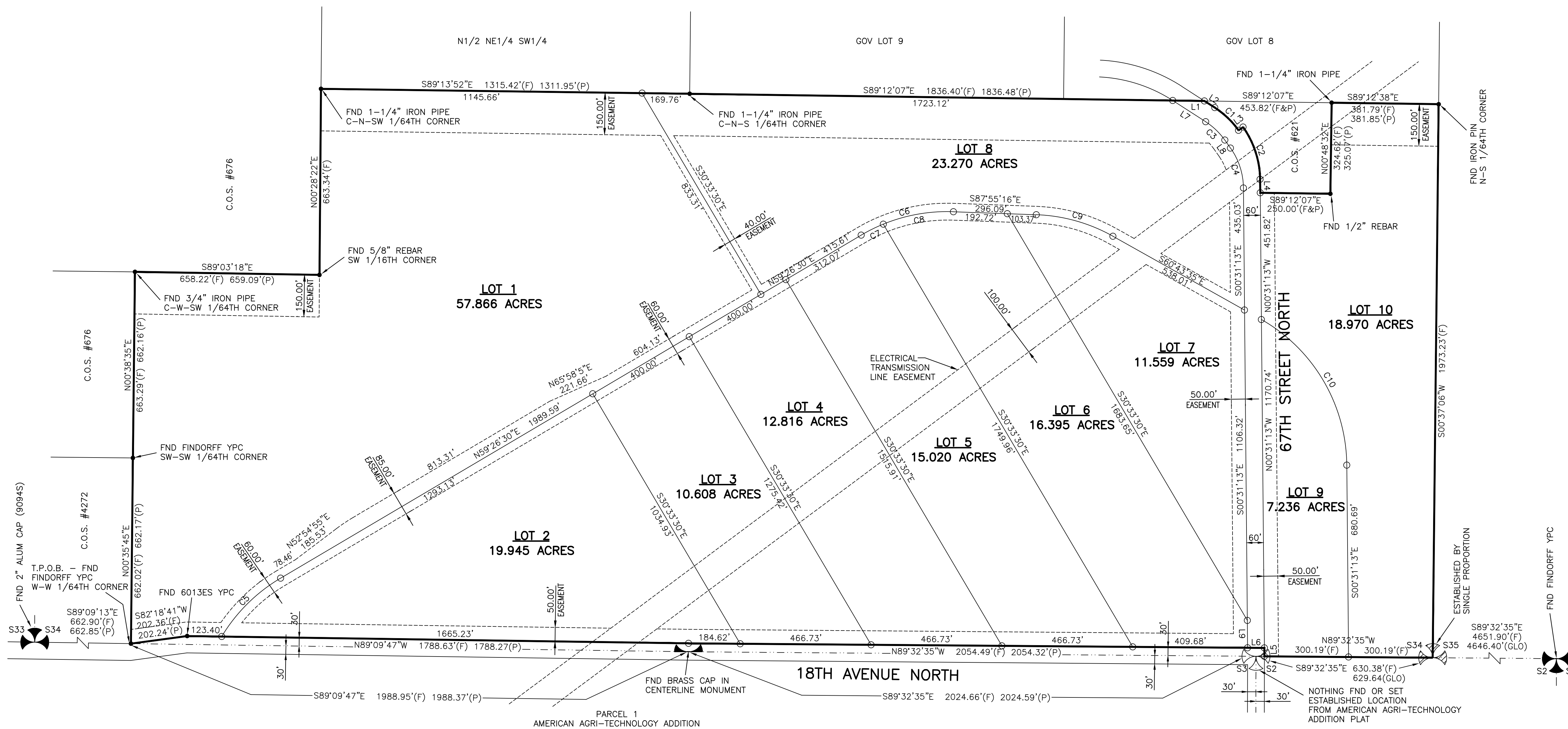
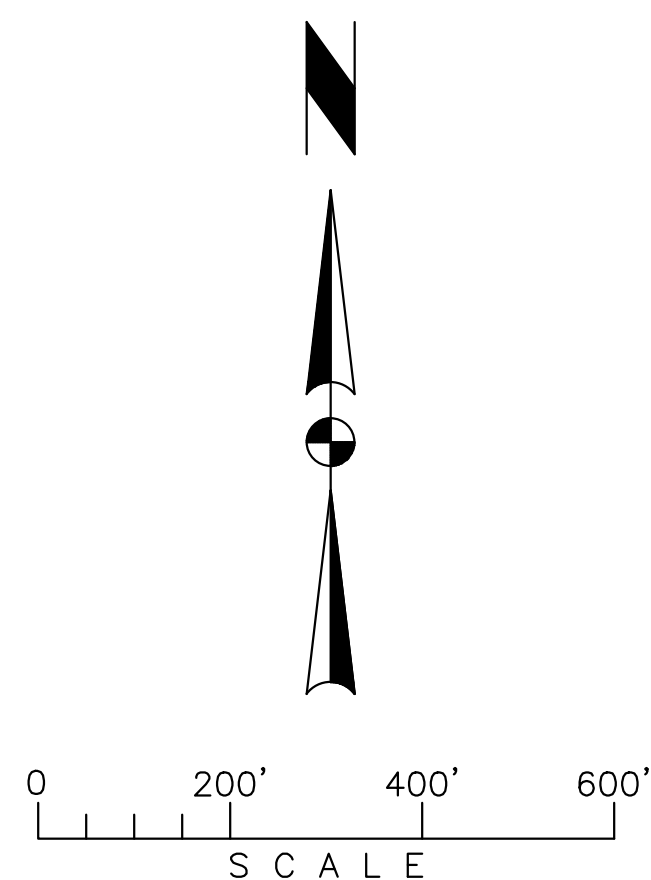
## LEGEND

- SUBDIVISION BOUNDARY
- FOUND PROPERTY MONUMENT
- FOUND SECTION CORNER
- FOUND QUARTER CORNER
- NOT FOUND SECTION CORNER
- SET SECTION CORNER
- 5/8" REBAR & 2" ALUM CAP
- SET PROPERTY MONUMENT
- 5/8" REBAR & 15625LS YPC
- EASEMENT LINE
- LOT LINE
- SECTION LINE
- FIELD MEASUREMENT (F)
- PLATTED MEASUREMENT (P)
- GENERAL LAND OFFICE (GLO)

AREA OF LOTS = 193.684 ACRES  
 AREA OF DEDICATED R/W = 2.865 ACRES  
 TOTAL AREA = 196.549 ACRES

LINE	BEARING	DISTANCE
L1	S89°12'07"E	113.28'
L2	S57°13'07"E	43.86'
L3	N54°38'53"E	20.00'
L4	S00°43'07"E	47.88'
L5	N00°08'18"E	30.00'
L6	N89°32'35"W	60.01'
L7	S57°13'07"E	139.94'
L8	S35°21'07"E	35.04'
L9	S00°31'13"E	97.68'

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	309.16'	21°52'00"	117.99'	N46°17'07"W	117.27'
C2	329.16'	34°38'00"	198.97'	N18°02'07"W	195.95'
C3	249.16'	21°52'00"	95.09'	S46°17'07"E	94.51'
C4	250.00'	34°49'54"	151.98'	S17°56'10"E	149.65'
C5	603.80'	28°19'45"	298.54'	N45°16'37"E	295.51'
C6	603.80'	32°38'14"	343.94'	N75°45'37"E	339.31'
C7	603.80'	08°22'25"	88.24'	N63°37'42"E	88.16'
C8	603.80'	24°15'50"	255.70'	N79°56'50"E	253.79'
C9	603.80'	27°11'41"	286.58'	S74°19'25"E	283.90'
C10	603.80'	59°46'11"	1313.95'	S30°24'18"E	601.70'



**TD&H**  
 THOMAS, DEAN & HOSKINS, INC.  
 ENGINEERING CONSULTANTS  
 GREAT FALLS—BOZEMAN—KALISPELL—HELENA  
 SPOKANE—LEWISTON

DRAWN BY: DRK DATE: 2-27-12 QUALITY CHECK: JPJ  
 SURVEYED BY: DRK JOB NO. 11-079 FIELDBOOK

MONTANA  
 WASHINGTON  
 IDAHO

J:\2011\11-079 Great Falls Agri-Tech Park\SURVEY\11-079 Plat.rvt update.dwg, 8/30/2012 3:36:53 PM, TWC

**Exhibit E**

ORDINANCE 3097

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO AGRITECH PARK ADDITION, IN GLO LOTS 8 & 9 IN THE SE1/4 & SW1/4 SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, the Great Falls Development Authority has petitioned the City of Great Falls to annex AgriTech Park Addition, consisting of ±196.549 acres, located in GLO Lots 8 & 9 in the SE1/4 & SW1/4 of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the Great Falls Development Authority has petitioned AgriTech Park Addition be assigned a zoning classification of I-2 Heavy Industrial district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to AgriTech Park Addition was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 2<sup>nd</sup> day of October, 2012, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning designation be made,

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of AgriTech Park Addition be designated as I-2 Heavy Industrial district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission, or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing AgriTech Park Addition into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading September 4, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading October 2, 2012.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David L. Nielsen, Interim City Attorney

State of Montana    )  
County of Cascade  : ss  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3097 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

## Exhibit F

### Findings of Fact (Prepared in Response to 76-3-608(3) MCA)

#### **PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** The subject property is currently being utilized for dry land crop production. Annexation zoning and subdivision of the subject property will take ±196.549 acres out of agricultural production. No effects on agricultural water user facilities have been identified for this project. The subdivider does not anticipate any impacts to the downstream irrigation water users with this subdivision.

#### **Effect on Local Services:**

Water/Sewer - Access to municipal infrastructure and public services is available in the vicinity of the subject property. The Applicant has already constructed a portion of the required 16-inch water main and submitted plans for sewer mains to the Department of Public Works. The construction of this infrastructure is being done at the Applicant's risk. The City will be required to maintain new sewer and water infrastructure as a part of this application. Public Works has recommended conditions requiring that infrastructure for each lot be reviewed before development to ensure the infrastructure meets the demands and requirements for each specific development.

Streets - The Applicant is required to provide a 2-inch overlay of 18th Avenue North within 2 years of annexation and required to bring 67th Avenue North to a standard similar to 18th Avenue North at such time as development is proposed on Lots 7-10. The Applicant is not required to provide the standard curb and gutter as a part of this application. The City will ultimately be responsible to maintain the portion of 67th Street North being annexed as a part of this application.

Stormwater - The City Engineer is requiring the development to restrict off-site flows to predevelopment levels by developing retaining and detaining systems on each lot, which will be reviewed by the City's Public Works Department. In addition, the Applicant will be responsible, as a condition of the subdivision, to mitigate all downstream impacts caused by the development.

Police/Fire - The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ±3.2 miles from the subdivision site. The Fire Department has issued a memo expressing concerns that emergency response times may not meet the Applicant's expectations given the location of the proposed project. The Applicant is working with the Fire Department to update a Memorandum of Understanding related to fire protection services related to the subdivision. Providing these services to the proposed development will be an increased cost to the City.

Parks/Trails - Per Montana Code Annotated 76-21-621(3)(b), park dedication is not required for subdivisions into parcels that are all nonresidential, therefore no parkland or payment in lieu of parkland is required. River's Edge Trail and Giant Springs State Park are in close proximity to the subject property. The Applicant should mitigate adverse impacts to these parks/trails.

Effect on the Natural Environment: The Applicant has not provided enough information related to soils or the water quality or quantity of surface or ground water for staff to be sure there are no adverse effects to said features. As a condition of approval, the developer will also prepare and adhere to a professional study to determine if the proposed stormwater detention and/or retention ponds and other drainage measures will have any impacts on the subsurface water table, and potentially the exiting overlooks and drainages on surrounding properties. The study shall include the impact of the water from the proposed stormwater systems flowing through the adjacent Fish, Wildlife and Parks property and Whitmore Ravine and how it will impact erodible soils in the existing coulees that are proposed for use as overflow stormwater drainage. Further, the owner shall remedy damage to downstream property caused by stormwater run-off from the subdivision at no cost to the City.

The subdivision is located in close proximity to the Missouri River, River’s Edge Trail and Lewis and Clark and Rainbow Dam Overlooks and Lots 1 and 8 are of particular concern due to their prominence above these features. The Applicant is proposing a 150-foot buffer along the northern boundary of the subdivision where it abuts PPL Montana or Montana Fish & Wildlife property that precludes the construction of any buildings. In addition the City is requiring building height restrictions as follows:

Distance from North Property Line (where subdivision abuts PPL Montana or State of Montana Property)	Maximum Building Height
0 ft – 150 ft	No building zone
150 ft – 300 ft	50 feet
300 ft – 450 ft	100 feet
450 ft – 600 ft	150 feet
600 ft +	Limited by federal/local regulations only

**Effect on Wildlife and Wildlife Habitat:** The historical use of the property for agricultural purposes has limited the potential for development of significant areas of mature vegetation. No known endangered species or critical game ranges have been identified on the proposed subdivision. The subdivision is located close to the Missouri River in an area that is habitat for a large number of resident and migrating bird species. The Department of Fish, Wildlife & Parks has identified potential impacts including concerns for stormwater controls, noise, light, motor vehicle traffic, litter and visual impacts that the subdivision may cause to the adjacent State Park and associated wildlife and wildlife habitat. The Applicant will be required to provide covenants for the developer/owners of AgriTech Park that address issues related to litter, no-building zones, down lighting, color scheme and signage. A professional study shall be completed to determine impacts of stormwater run-off and mitigation techniques to manage said impacts of the proposed development on the adjacent State Park.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high-pressure gas lines, high traffic volumes, or mining activity. The subdivision does have high voltage power lines that run from the southeast corner to the northeast corner of the site. The Applicant will be required to demonstrate they have provided the necessary easements and proper safety measures to ensure the public health and safety from this hazard.

**REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**  
The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

**EASEMENT FOR UTILITIES**

The Applicant is to provide necessary utility easements to accommodate water mains, sanitary sewer mains, railroad, stormwater drainage and conveyances and private utilities to serve all lots in the subdivision.

**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision is provided by 18th Avenue North and 67th Street North. The City of Great Falls maintains 18th Avenue North as a public right-of-way. As a part of this application, 67th Street North is being annexed and will be dedicated and improved to provide access to each lot adjacent to 67th Street North.



## Exhibit G

**ANNEXATION AND DEVELOPMENT  
AGREEMENT  
FOR  
AGRITECH PARK ADDITION,  
IN THE S½ OF SECTION 34,  
TOWNSHIP 21 NORTH, RANGE 4 EAST,  
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is an Annexation Agreement dated and effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, between Great Falls AgriTech Park, LLC, a wholly owned subsidiary of GREAT FALLS DEVELOPMENT AUTHORITY, hereinafter referred to as "Great Falls AgriTech Park, LLC" and ROGER DONEY A/K/A ROGER L. DONEY, AS TRUSTEE OF TRUST B UNDER THE LAST WILL AND TESTAMENT OF JOHN R. LOY AND AS CO-TRUSTEE OF THE CAROLYN B. LOY TRUST UNDER WILL AND HELENE L. DONEY A/K/A HELENE DONEY AS CO-TRUSTEE OF THE CAROLYN B. LOY TRUST UNDER WILL, hereinafter referred to as "Trustees", (Great Falls AgriTech Park, LLC and Trustees are hereinafter cumulatively 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 to the corporate limits of the City and development of AgriTech Park Addition, located in S½ of Section 34, Township 21 North, Range 4 East, Cascade County, Montana, hereinafter referred to as "Subdivision."

2. SUPPORTING DOCUMENTS

- A. The Subdivision Plat of AgriTech Park Addition, prepared for the Owner, and filed in the office of the Clerk and Recorder of Cascade County, Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.
- B. Engineering drawings, specifications, reports and cost estimates prepared for the Subdivision, consisting of documents for, but not limited to, rail service, sanitary sewer mains, lift station, water mains, storm drainage improvements, and paving, and conduit for street crossings for wiring for potential future public roadway lighting facilities. Said drawings and specifications are on file in the City Engineer's office.

## Exhibit G

- C. In compliance with Mont. Code Ann. 76-3-507(2)(b), the Owners shall provide financial surety on an incremental plan wherein the costs of installation of public improvements necessary to serve each lot within the Subdivision are provided for prior to the development thereof.
- D. Legal documents, including any articles of incorporation, bylaws, covenants, and declarations of ownership, property maintenance association, establishing and outlining responsibilities of the Owners within Subdivision, shall be filed in the Clerk and Recorder's Office of Cascade County, Montana.

### 3. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned Subdivision, can be made as follows:

- A. The proposed revision will be submitted to City's Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City's Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City's Public Works Department.
- D. "As Built" reproducible drawings shall be supplied to City's Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

### 4. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owner that subsequent to the date of this Agreement, events may occur and actions may be taken which are unforeseen by either or both parties hereto. Therefore, the parties may, by mutual subsequent agreement, modify the terms, conditions and covenants of this Agreement.

### 5. FEES AND CHARGES

- A. Except as otherwise set forth below, prior to annexation of Subdivision, Owner shall, pay the following fees:

a. Major Plat Fee	\$	800.00
b. Final Plat Fee	\$	300.00
c. Zoning Application Fee	\$	700.00
d. Annexation Application Fee	\$	100.00
e. Annexation Agreement Fee	\$	200.00
f. Resolution of Annexation Fee	\$	100.00
g. Storm Sewer Fee (\$250/acre 196.549 acres per plat)	\$	49,137.25
h. Recording fees for Agreement and Resolution (\$11 per page x 18 Pages)	\$	198.00
<hr/>		
Total fees made payable to City of Great Falls	\$	51,535.25

## Exhibit G

- B. The Storm Sewer Fee of \$250 per acre (196.549 acres x \$250 = \$49,137.25) shall be assessed as lots are sold based on the area of each lot and shall be payable by the Owner at closing on the sale of each individual lot.
- C. Owner shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- D. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- E. The absence of any fee from this Agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

### 6. CITY ACCEPTANCE AND ZONING

City hereby accepts and approves the Subdivision, and will approve Lots contained therein for incorporation by annexation into the corporate limits of the City of Great Falls, Montana as I-2 Heavy Industrial zoning classification, consistent with the I-2 zoning classification in the City of Great Falls. Permitted uses are those industrial uses permitted in the City's I-2 Heavy Industrial zoning district except that Helipads and Motor Vehicle Graveyards are prohibited. Lot coverage shall be limited to a maximum of 70%. Development is otherwise subject to conditions referenced in Paragraph 7 of this agreement.

It is hereby understood that the preceding language regarding zoning of said Subdivision does not preclude City from reclassifying said lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

### 7. RESTRICTIONS ON DEVELOPMENT OF LOTS IN SUBDIVISION

- A. Owner hereby agrees to develop a rail-served heavy industrial Subdivision. There is no Phasing Plan for the Subdivision. In the event that lots are not developed in sequential order, as would be expected in a typical Subdivision, then infrastructure improvements to serve the intermediate lots shall be completed in conjunction with the lot being developed.
- B. Owner shall file a restrictive covenant that runs with the land at the Clerk and Recorder's Office of Cascade County, Montana. The restrictive covenant provides that:
  - i. All litter must be confined to and retained on the lot producing such litter;
  - ii. A restricted zone shall be shown on the plat which precludes the construction of any buildings within 150 feet of the northern boundary of the subdivision where it abuts PPL Montana or State of Montana property;

## Exhibit G

iii. Building heights are limited to the following:

Distance from North Property Line (Where subdivision abuts PPL Montana or State of Montana Property)	Maximum Building Height
0 ft – 150 ft	No building zone
150 ft – 300 ft	50 feet
300 ft – 450 ft	100 feet
450 ft – 600 ft	150 feet
600 ft +	Limited by federal/local regulations only

- iv. A 50 foot setback shall be recorded on the plat on the exterior boundaries of each lot that adjoins 18<sup>th</sup> Avenue North or 67<sup>th</sup> Street South where building will not be permitted; however, setbacks from interior lot lines shall follow the I-2 Heavy industrial zoning standards per City Code;
  - v. Whenever it is commercially reasonable to do so, if structures on each lot require exterior lighting, it shall be down lit. As well, whenever commercially reasonable to do so, paint colors will match or be consistent with the natural surroundings of the subdivision; and,
  - vi. Freestanding signage shall not be higher than 12 feet and shall have a consistent design theme throughout the subdivision.
- C. Owner hereby agrees not to place or erect any structure requiring water and/or sanitary sewer service upon Lots 7 through 10 or attempt to further subdivide the area defined by Lots 7 through 10 until contracts are executed for improving 67<sup>th</sup> Street North as described in Paragraph 2B above or as deemed necessary by the Public Works Department.
- D. As plans for infrastructure associated with all the undeveloped Lots in the Subdivision have presently not been formalized, Owner hereby agrees not to place or erect any structure or improvement and or infrastructure upon a lot within the Subdivision, or attempt to further subdivide the area defined by said Subdivision until plans for the necessary infrastructure have been reviewed and approved by City's Public Works Department.
- E. Building permits for structures on each Lot shall not be issued until the contracts for installation of the infrastructure improvements have been executed. Owner acknowledges that City will not permit the occupancy of any structure in Subdivision until all infrastructure serving said Lot of Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

## Exhibit G

### 8. IMPROVEMENT SCHEDULE

#### A. WATER

Owner agrees to execute contracts within two (2) years of the date of this Agreement, to complete the installation of the water main improvements to serve Lots 1 through 4 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to water main extension from its existing location in River Drive North, north to 18<sup>th</sup> Avenue North then east to the easternmost property line of proposed Lot 4. Water infrastructure shall consist of a 16" transmission main. Additional distribution mains may be required to serve the domestic and fire flow demands of each individual lot prior to development. Additionally, upon written approval from the City Public Works Director, City may grant extensions of the two-year completion date as deemed appropriate.

Owner further agrees to execute contracts for the installation of all water main improvements to serve each individual Lot before any building permits will be issued for any Lot or as deemed necessary by the Public Works Department.

Owner further agrees to complete water distribution improvements in accordance with City and State of Montana DEQ Circular 1 standards, specifications, and other requirements.

Owner has submitted water main extension plans to the Public Works Department for Subdivision. Approval of these plans by the Public Works Department in no way obligates the City to annex Subdivision. If design and construction of said water main is completed before final approval of annexation for Subdivision it is at the Owners risk.

#### B. SEWER

Owner agrees to execute contracts within two (2) years of the date of this Agreement, to complete the installation of the sanitary sewer main improvements to serve Lots 1 through 4 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to construction of a sewer system that is adequately designed to serve Lots 1-10 and approved by the Public Works Department and sanitary sewer main extension from its existing location in east of River Drive North north to 18<sup>th</sup> Avenue North then east to the easternmost property line of proposed Lot 4.

City agrees to allow Owner to provide temporary wastewater connections to Lots 2 through 4 according to plans referenced in Paragraph 2B above and filed in the City Engineer's office so that development of those lots can proceed prior to installation of the permanent wastewater lift station. Lot 1 shall permanently be on a private individual lift station. Owner agrees to include terms in the Lot 2 through 4 purchase

## Exhibit G

agreements requiring Lot purchasers to remove the temporary sewer connections and to permanently connect to the gravity sewer located north of 18<sup>th</sup> Avenue North within 6 months of permanent wastewater lift station becoming operational. Said temporary connections may be abandoned in place once permanent connection is completed.

Contracting for completion of the wastewater lift station and other wastewater gravity and force mains must be completed before any development occurs on Lots 5, 6, 7, 8, 9 or 10 in accordance with standards of City and State of Montana Circular DEQ 2 standards, specifications and other requirements.

Owner has submitted sewer main extension and lift station plans to the Public Works Department for Subdivision. Approval of these plans by the Public Works Department in no way obligates the City to annex Subdivision. If design and construction of said sewer main is completed before final approval of annexation for Subdivision, it is at the Owners risk.

### C. ROADWAYS

#### 18<sup>TH</sup> AVENUE NORTH

Owner agrees to execute contracts within two (2) years of the date of this Agreement, for the required improvements to 18<sup>th</sup> Avenue North adjacent to the Subdivision including a 2-inch overlay from the existing location of the 5-inch asphalt thickness as determined by the Public Works Department to the eastern edge of Lot 4. Improvements shall be in accordance with plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. Additionally, upon written approval from the City Public Works Director, City may grant extensions of the two-year completion date as deemed appropriate.

Owner further agrees to execute contracts for the improvements to 18<sup>th</sup> Avenue North to serve Lots 5 and 6 before issuance of building permits for those Lots or as mutually agreed between the Owner and the Public Works Department. In addition the Owner agrees to the following:

#### i. BICYCLE LANE

Owner agrees to stripe and sign a bicycle lane onto the existing 6 foot wide paved shoulder of 18<sup>th</sup> Avenue North as determined by the Public Works Department to accommodate bicycle traffic in the area. Installation of this improvement shall occur at the same time as the above described improvements to 18<sup>th</sup> Avenue North.

#### 67<sup>TH</sup> STREET NORTH

Before issuance of building permits for Lots 7 through 10 Owner agrees to execute contracts for the required improvements to 67<sup>th</sup> Street North adjacent to the corresponding Lots of the Subdivision. 67<sup>th</sup> Street North shall include a geotextile, 12-inch thickness gravel subbase, 3-inch thickness crushed gravel and

## Exhibit G

5-inch thickness asphalt cement concrete. The width of the pavement shall be 36 feet. 67<sup>th</sup> Street North shall be built according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. In addition the Owner agrees to the following:

i. BICYCLE LANE

Owner agrees to install a 6 foot wide paved bicycle lane on the east and west sides of 67<sup>th</sup> Street North to accommodate bicycle traffic in the area. Installation of this improvement shall occur at the same time as the above described improvements to 67<sup>th</sup> Street North.

D. RAIL LINE IMPROVEMENTS

Owner agrees to, prior to receiving a certificate of occupancy for any lot in the subdivision, complete the installation of the rail line improvements to serve Lot 1 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to rail line extension from its existing location west of 52<sup>nd</sup> Street North east through the proposed American AgriTech Addition then northeast across 18<sup>th</sup> Avenue North into project and extend to the most eastern edge of proposed Lot 1. Modifications to the approved rail line layout shall be made in writing per Paragraph 3 above.

Owner agrees all rail crossings of public rights-of-way should include signalization, including safe and controlled crossings for bicyclists and pedestrians. Any new rail crossings shall be in the form of an easement across public right-of-way, or other instrument acceptable to the City of Great Falls, and no financial obligation relating to the easement (construction, preparation of documents, recording, etc.) shall be due or provided by the City of Great Falls. Owner agrees that it is the Owner's or successors responsibility to maintain rail, railroad crossings and easements which cross 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North and further agrees that the City will have no maintenance or operation responsibility related to any railroad crossings necessary for rail to serve Subdivision.

The City's Public Works Department shall grant, subject to review, proposed easements across 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North as may be necessary or convenient for rail and other private utilities and the City shall be provided with copies of all plans for installed rail and utilities.

Owner further agrees to execute contracts for the installation of all rail line improvements to serve Lots 5, 6, 7, 8, 9 or 10 before building permits will be issued for Lots 5, 6, 7, 8, 9 or 10 or as deemed necessary by the Public Works Department.

E. MASTER DRAINAGE PLAN

Owner agrees to prepare and adhere to a professional study to determine if the proposed storm water retention pond(s) and other proposed measures at Subdivision will have any impacts on the subsurface water table, and potentially the existing

## Exhibit G

improvements and drainages on surrounding properties. In addition, the study should include the impact of the water from the proposed storm water systems flowing through the adjacent State of Montana property and Whitmore Ravine and how it will impact erodible soils in the existing coulees that are proposed for use of overflow storm water drainage. Said study shall be submitted, reviewed and approved by the City Public Works Department prior to final approval of Subdivision by City Commission. Owner further agrees to be responsible for and to mitigate any negative impacts including negative impacts on any natural drainages that may arise as a part of said study.

Owner further agrees to reserve adequate land as required by a professionally prepared stormwater/drainage study and/or determined by the Public Works Department for storm water controls.

### F. STORM DRAINAGE REQUIREMENTS FOR EACH LOT

Owner hereby agrees to prepare plans and design reports, and construct improvements in accordance with the City's Storm Drain Design Manual, which does not obligate the City to any improvement or maintenance responsibilities, prior to the development of each Lot. Said drainage plan shall be submitted, reviewed and approved by the City Public Works Department prior to City issuing a building permit for each Lot in the Subdivision. The drainage plan may require an agreement with upstream and or downstream contributor land owner(s) for permanent use of existing pond facilities, as well as repairs and future maintenance to these pond facilities.

Owner agrees that the lot buyers will be required to detain storm water on their lots as follows. Storm water detention requirements must meet City's Storm Drainage Design Manual requirements except that the design storm to be used for determining maximum outflow rates will be the Great Falls 2 Year, 2 Hour storm applied to the pre-development condition. Owner further agrees to provide drainage easements on the Final Plat for each Lot in the subdivision.

Each Lot buyer shall be responsible for and provide reasonable mitigation for any downstream impacts that may result from surface runoff from Subdivision, and this shall be a covenant running with the land.

### 9. STORM DRAINAGE DISTRICT

Owner hereby agrees to waive right to protest any future area wide storm drainage district for storm drainage facilities to pay a proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without a area wide storm drainage district. The term "area wide" as used herein, means any area larger than that covered by Subdivision, which is a contributor to the storm drainage demand of which Subdivision is a part.



## Exhibit G

10. OFFSITE SEWER IMPROVEMENTS

The parties agree that the existing availability of existing sewage collection system downstream of the development is at least 1.5 cfs (cubic feet per second) understanding that this may increase or decrease due to changing demands of other sewage contributors. Owner shall provide a proportional share of upsizing costs for segments of the NE Interceptor if peak hourly Subdivision flows exceed 1.5 cfs. Tax Increment Financing funds, if available, can be considered to fund upsizing costs

11. INFRASTRUCTURE EASEMENTS

Owner hereby agrees to provide to City, prior to Owner receiving service from said infrastructure, reasonable appropriate easements to accommodate said infrastructure to serve Subdivision. Owner further agrees to provide, when reasonably deemed necessary by City, any additional easements within the Subdivision to accommodate future infrastructure, with the location of said easements to be determined mutually between Owner and City.

12. EASEMENT AGREEMENTS FOR INFRASTRUCTURE TO SERVE DEVELOPMENT FROM ADJACENT LAND OWNERS

Owner hereby agrees to provide City with a copy of all easement agreements between Owner and adjacent property owners for all utility easements necessary to install improvements, including rail service, sanitary sewer mains and water mains to serve Subdivision prior to approval of the final plat of Subdivision, and prior to any infrastructure construction. Storm Drainage easements to serve Subdivision shall be secured prior to issuance of building permits.

The City hereby grants Owner, and/or Owners shall retain, easements permitting the planned railroad to cross 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North at the most appropriate and convenient location to be fixed and established by Owner in approximately the location depicted on Exhibit A, subject to review and approval by the City's Public Works Department. These easements shall be further documented and defined in a document to be prepared, executed and recorded within a reasonable time after the execution of this Agreement.

The parties further understand and agree that Owner shall retain the necessary and convenient easements and accesses over and across the future improvement of 67<sup>th</sup> Street North, including but not limited to all necessary and convenient easements for the installation of railroad crossings and private utilities, which are subject to review and approval by the City's Public Works Department. Any existing easements which may continue in effect after annexation shall be made subject to the terms and provisions of this Agreement and the easements, grants and reservations described herein.

13. TRANSPORTATION FACILITIES

Owner agrees to prepare a traffic impact analysis in compliance with City Code before construction of a project that would result in a cumulative traffic generation, from all tenants in the subdivision, of 250 or more peak hour trip ends.

## Exhibit G

Owner further agrees that each lot shall have adequate turn-around room for all anticipated traffic. In addition, the city of Great Falls and Owner shall work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67<sup>th</sup> Street North.

14. FUTURE INFRASTRUCTURE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for infrastructure to pay a proportionate share of any future infrastructure improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision, which is a contributor to the infrastructure demand of which Subdivision is a part.

15. REQUIRED UPSIZING OF IMPROVEMENTS

Owner agrees to install any oversized infrastructure improvements as determined by the City's Public Works Department. City agrees to reimburse the Owner for the over sizing cost of any infrastructure within (30) day of its acceptance of the installation and appropriate billing; including provisions for adequate information and documentation supporting said costs. These costs to the City shall be eligible for funding from the proposed TIFD if expansion of said district should occur.

16. REIMBURSEMENT AGREEMENT

The infrastructure and improvements will be designed, installed or constructed by the Owner hereunder, including public water, sewer, paving, roadway improvements, and storm drain, may exceed the capacity necessary for the development and may benefit other property and other property owners ("Beneficial Improvements"). All costs associated with the Beneficial Improvements which are satisfied by Owner with funds from non-public sources ("Private Improvement Funds") shall be allocated among all parties benefitting from the Beneficial Improvements in proportion to the benefit each receives which shall be measured based on usage, frontage, burden or such other commercially reasonable means of allocation. City Agrees to assess and collect from each third party benefitting from the Beneficial Improvements their proportional share of the Private Improvement Funds using all lawful means available to the City ("Reimbursement Funds"). The City shall collect the Reimbursement Funds at or prior to the approval of any subdivision, annexation or grant of building permits for each parcel of property benefitting from the Beneficial Improvements. All Reimbursement Funds shall be remitted to Owner upon collection by the City.

Owner shall provide City with its actual cost of the installation of the hereinabove mentioned "Beneficial Improvements" within twelve (12) months after approval and acceptance thereof by City. In the event of Owner's failure to provide City with said cost data, City shall not be obliged to undertake collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of Owner to provide City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only City's obligation to assist in collection thereof

## Exhibit G

17. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to rail, fire hydrant, street maintenance and Special Lighting Maintenance Districts and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to lots in Subdivision.

18. SOIL AND/OR GROUNDWATER CONDITIONS

The owner of the property in the Subdivision 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, obligations and costs including reasonable attorney fees, that arise from, result from or relate to adverse soil or groundwater conditions on the owner's property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of the property in the Subdivision, the prior owner's (whether the Owner that made this annexation agreement or a subsequent owner) indemnity obligation for adverse soil or adverse groundwater conditions for the transferred property is released and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property with the adverse conditions at the time the City incurs the claim, debt, liability, obligation or cost is obligated to indemnify and no owner of property in the Subdivision is obligated to indemnify for adverse conditions on property owned by someone else.

This indemnification by the owner of the property in the Subdivision shall apply unless such damage or injury results from the negligence, gross negligence or willful misconduct of the City.

19. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

20. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City and completion of the contemplated public water system to serve Subdivision, will be provided fire protection services by City comparable to that provided other incorporated properties.

21. PUBLIC ROADWAY LIGHTING

In connection with the lawful implementation of any future Special Lighting Maintenance Districts for public roadway lighting facilities that service Subdivision, Owner agrees to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a Special Lighting Maintenance District.

22. 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

## Exhibit G

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.

[The remainder of this page is intentionally left blank]

**Exhibit G**

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

**CITY OF GREAT FALLS**  
A Municipal Corporation of the State of Montana

\_\_\_\_\_  
Gregory T. Doyon, City Manager

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney

Exhibit G

Great Falls AgriTech Park, LLC, Inc.

By: [Signature]  
Great Falls Development Authority  
Brett M. Doney, President

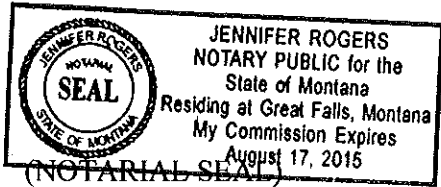
State of Montana )

:ss.

County of Cascade

On this 14th day of September, in the year A. D. Two thousand and twelve, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Brett M. Doney whose name is subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



Jennifer Rogers  
Notary Signature  
Jennifer Rogers  
Notary Signature Printed  
Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My commission expires Aug. 17, 2015

**Exhibit G**

\_\_\_\_\_  
ROGER DONEY A/K/A ROGER L. DONEY,  
as Trustee of Trust B under the Last Will and Testament of John R. Loy and as Co-Trustee of the  
Carolyn B. Loy Trust under Will

\_\_\_\_\_  
HELENE L. DONEY A/K/A HELENE DONEY,  
as Co-trustee of the Carolyn B. Loy Trust under Will

State of \_\_\_\_\_ )

:ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. Two thousand and twelve, before me, the undersigned, a  
Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ whose name is  
subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above  
written.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Signature Printed

Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

(NOTARIAL SEAL)

State of \_\_\_\_\_ )

:ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. Two thousand and eleven, before me, the undersigned, a  
Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ whose name is  
subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above  
written.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Signature Printed

Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

(NOTARIAL SEAL)

**PROJECT INFORMATION**

- A. AGRITECH PARK ADDITION
- B. DEVELOPER - GREAT FALLS DEV AUTHORITY
- LANDOWNER - LOY JOHN R TRUST B ETAL
- C. PREPARATION DATE - MAY 8, 2012
- D. PREPARER - TD&H ENGINEERING

SURVEY INFORMATION - SEE ACCOMPANYING DRAFT PLAT

**PROJECT DEVELOPMENT INFORMATION**

- A. LAND USE - AGRICULTURAL
- B. THRU G. - SEE ACCOMPANYING DRAFT PLAT

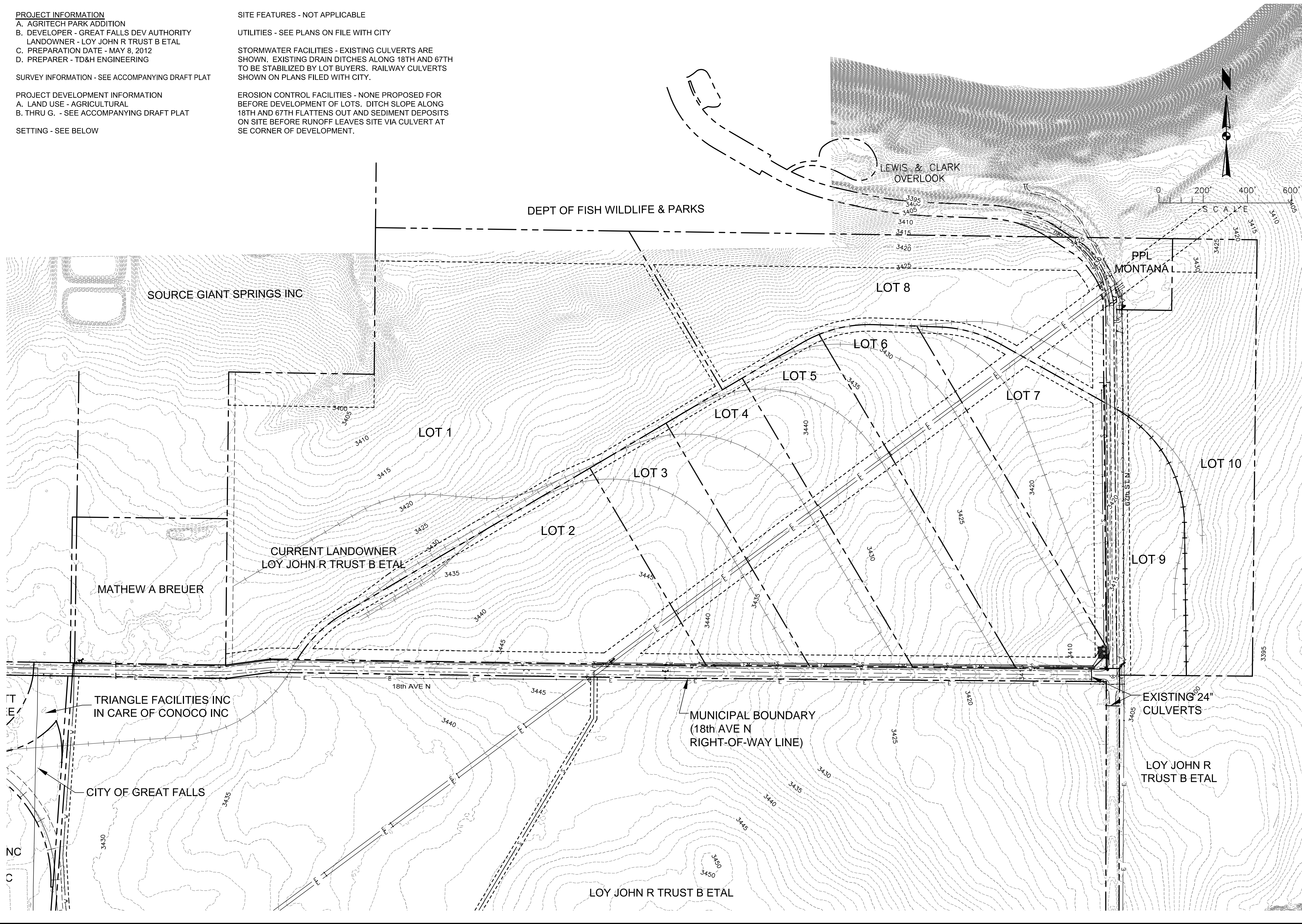
SETTING - SEE BELOW

**SITE FEATURES - NOT APPLICABLE**

UTILITIES - SEE PLANS ON FILE WITH CITY

STORMWATER FACILITIES - EXISTING CULVERTS ARE SHOWN. EXISTING DRAIN DITCHES ALONG 18TH AND 67TH TO BE STABILIZED BY LOT BUYERS. RAILWAY CULVERTS SHOWN ON PLANS FILED WITH CITY.

EROSION CONTROL FACILITIES - NONE PROPOSED FOR BEFORE DEVELOPMENT OF LOTS. DITCH SLOPE ALONG 18TH AND 67TH FLATTENS OUT AND SEDIMENT DEPOSITS ON SITE BEFORE RUNOFF LEAVES SITE VIA CULVERT AT SE CORNER OF DEVELOPMENT.



REVISIONS	
DATE	DESCR

BY	DATE	BY	DATE

DRAWN BY:	MWC
DESIGNED BY:	JPJ
QUALITY CHECK:	
DATE:	9/12/12
JOB NO.:	11-079
FIELDBOOK:	

**NORTHEAST GREAT FALLS AGRITECH PARK**  
**GREAT FALLS, MONTANA**

**ANNEXATION AGREEMENT EXHIBIT "A"**

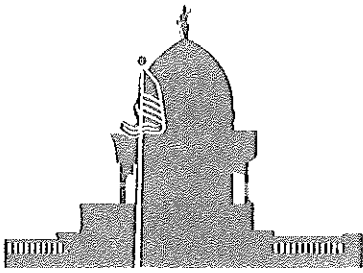
11-079BASEMAP.DWG  
**SHEET 1**

**THOMAS, DEAN & HOSKINS, INC.**  
 ENGINEERING CONSULTANTS  
 GREAT FALLS - BOZEMAN - KALISPELL  
 MONTANA  
 WASHINGTON  
 IDAHO

**TD&H**

J:\2011\11-079 Great Falls Agritech Park\CADD\CIVIL\11-079BASEMAP.dwg, 9/12/2012 4:00:37 PM, TWC





## Exhibit H - Written Public Comments

BOARD OF COMMISSIONERS  
325 2nd Avenue North  
Great Falls, MT 59401  
Tel. (406) 454-6810  
Fax: (406) 454-6945  
commission@co.cascade.mt.us  
www.co.cascade.mt.us

# CASCADE COUNTY

---

June 8, 2012

City of Great Falls  
Community Development and Planning Department

Colleagues,

Thank you for the opportunity to comment on the requested annexation, zoning and subdivision request submitted on behalf of Great Falls Development for the "AgriTech Park Addition".

Although the Cascade County Commission remains supportive of the AgriTech Park concept and has provided \$20,000 to assist in its development, we have a number of concerns regarding the specific plan before you.

One item we need to bring to your attention is that not all of the land included in this proposal is currently zoned I-2 Heavy Industrial as the documents indicate. The County Commission only zoned the portions of this project west of 67<sup>th</sup> Street North I-2, the rest remains zoned as agricultural.

The action to retain the agricultural zoning East of 67<sup>th</sup> was by design, not by accident. GFDA asked if the County Commission would be willing to rezone areas east of 67<sup>th</sup> Street North and we declined.

During the public discussions of the rezoning action, a number of concerns were raised that we felt were valid and would now like to pass on to you. These are items which would have been addressed via conditions in our subdivision process.

- 1) The proximity of the development to the Rivers Edge Trail and River Recreational corridor present difficulties for the Northern sections of what are now identified as lots 1 and 8. During the zoning process GFDA was made aware that should it be subdivided under County regulations visual screening would be required along the Northern edges of these lots. We warned GFDA that this requirement coupled with the topography would severely limit the number of buildable acres contained in lot 1 and lot 8.
- 2) The proximity to Malmstrom AFB housing was also raised during the zoning process and once again we informed GFDA that some mitigation might be necessary depending on the specifics of the subdivision plan. We would hope that the City would also consider this in its evaluation of the proposed annexation, zoning and subdivision plan.
- 3) Although there were a number of concerns regarding the extension of the park east of 67<sup>th</sup> Street North, foremost among them was the proximity to the Whitmore Ravine area. This ravine has been a subject of concern for many years due to the amount of erosion and subsequent deposition of its soils into the Missouri river. The County Commission felt strongly

Exhibit H - Written Public Comments

that including properties east of the 67<sup>th</sup> Street North would further expand and complicate an already difficult environmental concern.

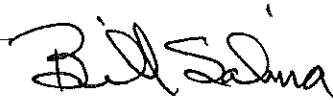
In closing, we are disappointed that GFDA has chosen to put forward a plan that had it been shared with the County at the outset would have likely caused us to deny the original change of zoning from Agricultural to I-2.

Sincerely,

Board of County Commissioners  
Cascade County, Montana



Joe Briggs  
Commissioner



Bill Salina  
Commissioner

## Exhibit H - Written Public Comments



P.O. Box 200701  
1420 East 6<sup>th</sup> Ave  
Helena, MT 59620-0701  
June 28, 2012

Mike Haynes  
Director of Planning & Community Development  
City of Great Falls MT  
Civic Center Room 112  
Great Falls, Montana 59403

Dear Mike:

We are providing this letter to support the City of Great Falls' efforts to establish adequate and effective protections for Giant Springs State Park and its associated lands in reference to the proposed AgriTech Industrial Park. As you know, the rail-served, heavy industrial park is proposed to be developed adjacent to Giant Springs State Park, which is the most visited State Park in Montana with over 300,000 visitors per year. The Parks division also strongly supports economic development throughout Montana and takes pride in the economic benefit state parks provide to Montana's tourism industry as well as quality of life throughout the state. Additionally, the division is not opposed to the industrial park, but is interested in adequate protections in several areas of concern.

The division has been involved in the planning process through its State Parks staff in Great Falls, and we appreciate your efforts to help protect the State Park, the River's Edge Trail, associated PPLM lands managed as part of Giant Springs, and Missouri River corridor. In discussions with the developer and design engineer, our staff has requested a series of reasonable protections for the State Park, its visitors, and the outstanding natural resources contained within the park and in the Missouri River Corridor. We trust that these protections can be implemented through the City Annexation process to ensure that statewide public interests associated with its status as a State Park, and its nationally recognized historic significance will be balanced with local economic development opportunities.

Giant Springs State Park is an important component of Great Falls' economic program through its attractiveness to out of town visitors to the State Park, many of whom spend considerable money in the community through lodging, restaurants, gasoline, and purchasing of supplies at local businesses as part of their visit to the Park. In 2010, visitors to Region 4 State Parks, including Giant Springs, contributed \$3.7 million to the local economy and as a result, created 60 jobs, \$1.5 million in labor income, and \$4.6 million in industry sales. The State Park is also important to local residents who use the park for family activities, school programs, outdoor recreation, scenic viewing, environmental

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 2 of 4

education, special events, wildlife viewing, exercise, and pleasure driving. A scenic and enjoyable river corridor is recognized as one of the most desirable attributes for the City of Great Falls and we support efforts to protect those attributes. Our concern is that without sensitive development of the AgriTech project many of the values that attract out of town visitors and are enjoyed by local residents would be negatively impacted.

Below is a summary of the discussions we have had with your staff, the developers, and the design engineers:

### **Storm water controls**

Several of the AgriTech proposed lots drain toward the State Park. On the heels of a very recent land slough on the river which had very high costs to both PPLM and the state of Montana, we are concerned that storm water will be discharged into several small coulees and draws within the State Park that do not currently experience appreciable flows and are dry most of the year, and contain healthy vegetation. Improper storm water controls will allow storm water to run off non-permeable surfaces within the industrial park and will create erosion within the State Park. We believe well engineered storm water protection within the industrial park can lessen the impacts on our property, and feel that the storm water infrastructure should be designed and installed in a comprehensive manner prior to development to ensure design parameters set by the City are met. We are supportive of the City's establishment of stringent storm water requirements as part of the Annexation Agreement.

For storm water that is discharged through the State Park, we are interested in entering into a stream easement or similar legal document to address the liability of the discharges onto Park lands and financial and environmental responsibility to correct damage.

We are also concerned that changes in the hydrology of the area from the industrial development may allow for additional seepage within and along the subsurface and increase the potential for landslides at Lewis & Clark Overlook and Rainbow Overlook. Proper storm water handling infrastructure as part of the industrial park design can lessen or eliminate this concern.

### **Visual impacts**

Currently the land upon which proposed AgriTech will be developed is agricultural, with no buildings or structures other than wooden utility poles present. We have discussed the need for visual buffers between the Park lands, River's Edge Trail and Overlooks with the developers and the City. Our hope is that adequate portions of the land proposed for development be left as open space, and/or developed as irrigated vegetative buffers between the Park and the industrial park. We support the City's efforts to designate certain areas as unbuildable to maintain a suitable open space corridor along the Missouri River.

For the areas that are developed as industrial properties, we encourage the use of height restrictions and set-backs to reduce the visual impacts on the Park and river corridor. AgriTech is proposed for the

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 3 of 4

high ground above the Park and River's Edge Trail and the impact of tall buildings, structures and towers could be significant.

Besides buffer areas and height restrictions, please consider provisions in the development plans to utilize non-reflective building materials, earth tone colors, and natural components to lessen the impact to State Park visitors and out of state guests who enjoy the site.

### **Noise Impacts**

Currently park visitors enjoy a quiet outdoor setting, with little mechanical noise intrusion. Rail-served industries can produce significant amounts of noise through their operations and materials handling. Please consider noise reduction efforts by the industries and rail companies, and encourage the establishment of noise level restrictions in the Annexation Agreement to reduce the impact on Park visitors. We would also encourage considerations on time of day, and weekend and holiday operations to minimize impacts to the Park visitors. Good vegetative barriers may also absorb noise.

### **Light Impacts**

As discussed with the developers and design engineers, we encourage efforts to minimize the intrusion of artificial light from the industrial facilities into the low-light setting that currently exists in the Park. We encourage the use of methods such as that provided by Leadership in Energy and Environmental Design (LEED) to effectively minimize the amount of light emitted onto Park land from AgriTech. Methods would include proper selection of light fixtures, directed lighting, lower pole heights, timers and occupancy sensors to restrict lighting to times of operation, etc. We understand there are concerns for employee safety and facility security, but these concerns can be addressed through thoughtful consideration of lighting alternatives and may also be addressed through vegetative visual impact measures.

### **Motor Vehicle Traffic**

Truck traffic and passenger vehicle traffic accessing and departing from AgriTech should be confined to 18<sup>th</sup> Ave North access points and not be permitted to use Giant Springs Rd. Road restrictions will be needed to prevent truck traffic from entering Giant Springs Rd from 67<sup>th</sup> St, and from River Drive. Recently, Giant Springs Road was designated as a Montana Scenic Byway. While this designation does not prohibit commercial use, the designation further underscores the significance of the park on a statewide and national level.

### **Litter**

With the high winds commonly found in Great Falls, and even more so at AgriTech's proposed location on high, open ground, litter being blown from processing yards, storage yards, and from truck traffic is a serious concern for the Park. This litter can also be easily blown into the river. Strict controls will be needed to ensure AgriTech tenants eliminate the possibility of litter blowing from their facilities or trucks. Tenants also need to be responsible for collecting the litter off of their sites as it occurs.

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 4 of 4

In closing, we see opportunities for balanced development in a manner that will protect the national and statewide significance of park resources, maintain economic and recreational benefits provided by Giant Springs State Park and its associated lands while continuing to make Great Falls a wonderful place to live and work. We applaud the City of Great Falls in recognizing the importance of Giant Springs to the local economy and quality of life and incorporating effective protections into the Annexation Agreement. Please contact Regional Park Manager Matt Marcinek at (406) 454-5859 if additional information is needed.

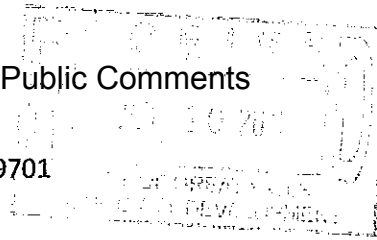
Sincerely,

A handwritten signature in black ink, appearing to read "Chas Van Genderen". The signature is written in a cursive, flowing style.

Chas Van Genderen  
Administrator  
Montana State Parks

Exhibit H - Written Public Comments

PPL Montana, 45 Basin Creek Road, Butte, Montana 59701



PPL MONTANA, LLC

Mike Haynes  
Director of Planning & Community Development  
City of Great Falls – Civic Center Room 112  
Great Falls, Montana 59403

July 6, 2012

Dear Mike:

PPL Montana provides this letter to comment upon the proposed AgriTech Industrial Park to be located northeast of Great Falls near Rainbow Dam, and to express our belief in the needed incorporation of measures into the City's annexation agreement to allow for protection of recreation resources on adjacent lands, including lands owned by PPL Montana. We understand that on July 10<sup>th</sup>, the City Planning Board will be reviewing an application from the Great Falls Development Authority for annexation of the proposed AgriTech Industrial Park, located on 18<sup>th</sup> Avenue North. As we near completion of the Rainbow Redevelopment Project and new powerhouse at Rainbow Dam, PPL Montana recognizes the economic benefit that is provided to the City by major industrial development.

PPL Montana has participated over the past several decades in supporting recreational development of the Missouri River corridor, its scenic overlooks near Rainbow Dam, and the River's Edge Trail. We recognize the economic benefit these recreational amenities bring to the City, and support their continued use and protection. Montana State Parks currently provides recreation management of lands on the south and north shore owned by PPL Montana and we fully concur in the recommendations the Division has made relative to the proposed Industrial Park.

Our primary recommendation for the proposed AgriTech Industrial Park is for incorporation of adequate storm water plans and controls into the design of the industrial park for protection of adjacent lands from increased surface runoff and erosion, as well as increased groundwater flow. Several of the proposed lots within the industrial park would drain toward land owned by PPL Montana and the State of Montana at Giant Springs State Park. We have incurred a significant adverse impact on our operation due to the Whitmore Ravine runoff and discharge into the Cochrane reservoir and do not want to see similar additional impacts to Rainbow and Cochrane reservoirs. Additionally, over the past two years, PPL Montana has completed a costly stabilization project at the Lewis & Clark Overlook. Our data indicates that groundwater flow from adjacent and upslope lands toward the river corridor can contribute to de-stabilization of the slopes at the Lewis & Clark and Rainbow overlooks. Following completion of slope stabilization efforts, PPL Montana began collection of data on groundwater depths utilizing several piezometers to better understand groundwater flow at the overlooks. We believe that incorporation of a well-designed and effectively implemented storm water plan, together with on-going control of surface runoff at the industrial park, will help protect the stability and use of adjacent recreational lands and prevent sediment loading of Rainbow and Cochrane reservoirs, which protects our operation and the recreational benefits of the reservoir.

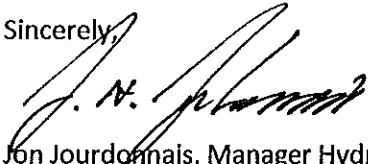
## Exhibit H - Written Public Comments

We support the use of an irrigated vegetative buffer between the proposed industrial park and adjacent recreational lands, as recommended by Montana State Parks, and note that a well-designed and well-maintained vegetative buffer would help address Parks' concerns for visual encroachment, potential noise impacts, intrusion of artificial light, and litter control. We also encourage the Planning Board to consider restrictions on truck traffic and vehicle use related to the industrial park on Giant Springs Road, since alternative access is available to the industrial park from 18<sup>th</sup> Avenue North.

PPL Montana recognizes the efforts of the City of Great Falls for thorough planning and development of the AgriTech Industrial Park, and encourages the thoughtful, balanced development of the industrial park in a manner that protects existing recreational amenities on adjacent lands.

Please contact me if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. N. Jourdonais", written over a faint, illegible typed name.

Jon Jourdonais, Manager Hydro Licensing and Compliance





July 10, 2012

615 THIRD AVENUE NORTH  
GREAT FALLS, MONTANA  
59401

City of Great Falls Planning and Development  
Civic Center, Room 112  
Great Falls, MT 59401

RE: Proposed Agri-Tech Industrial Park

Missouri River Citizens (MRC) supports the protection of the Missouri River and of Giant Springs and is against the Agri-Tech Park proposed by the Great Falls Development Authority. The membership of our organization is concerned that further industrial development so close to Giant Springs State Park could very possibly pollute forever the water quality, and will undoubtedly pollute forever the quality of the experience of people who visit the park, the Lewis and Clark Interpretive Center, and the waterfalls of the Missouri that are in this area, as well as the park near the Montana Fish Wildlife and Parks buildings.

The general practice of scattering small industrial parks throughout the city has a negative impact upon the quality of life in our community. Heavy truck traffic through some of our most scenic city areas such as the River Road by-pass has already begun interfering with public access to the river a short distance from the downtown. Further industrialization of this area will certainly have a negative impact upon not only traffic but our city's infrastructure, requiring larger sewer pipes, more roads for trucks; increasing city sewer rates and decreasing tourist access.

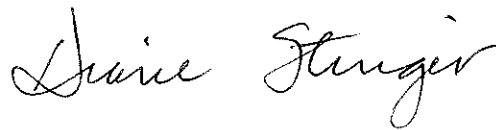
MRC is not opposed to industrial development, providing jobs and an increased tax base, but is committed to this development being away from the river. MRC does not believe it is possible to mitigate the impact of such a park on Giant Springs, the L&C Interpretive Center, or Rainbow Falls Overlook. The sights, sounds and smells of the prairie environment now enjoyed at these three places will be forever destroyed. Giant Springs is a priceless natural wonder, the Interpretive Center relies on its environmental surrounding as part of its lure as a tourist destination,

Exhibit H - Written Public Comments

the Great Falls of the Missouri are world renowned, as are the former two attractions. Many people and organizations such as the US Forest Service, Montana Fish, Wildlife and Parks, the city and the county have worked together to preserve this prairie and river area. This relatively pristine area is an enormous attraction for people from all over the world, and will only grow as such. We should be working to make this area more pristine, rather than working to destroy the experience people travel thousands of miles to enjoy, at the same time spending money in our city, providing and positively impacting jobs for hundreds of residents.

Why destroy the work of so many citizens by locating an industrial park in close proximity to these attractions? Why take away or reduce jobs from hundreds to provide jobs for a few when new jobs can be created in another location and allow this remarkable area to remain a never- to -be -forgotten experience for thousands of people in the near and far future? It is plainly nonsensical to do so. We urge you to abandon consideration of this location and re-focus your attention to developing the Great Bear Industrial Park as a much more suitable location for heavy industry. MRC supports the Great Bear Industrial Park on the north side of the river, and is very disappointed and puzzled by Great Falls Development Authority's apparent bungling and/or stalling of the building of a rail spur serving this Industrial Park, yet advances the proposed and non-sensical Agri-Tech Park location by emphasizing its railroad accessibility. The public is owed an explanation, and the hundreds of jobs of those who benefit from the tourist industry are owed your serious consideration and an explanation of this thoughtless proposal.

Sincerely,  
Missouri River Citizens

A handwritten signature in cursive script that reads "Diane Stinger".

By: Diane Stinger, Board Member

## Exhibit H - Written Public Comments

To Whom it May Concern:

As a resident of the east side and a frequent user of the nearby sections of the River's Edge Trail Trail, I think the questions of *whether* and *how* are critical in decisions regarding the proposed AgriTech Industrial Park adjacent to the Giant Springs Co. on 18<sup>th</sup> Avenue North. We rely on the powers that be to do the right thing for the public interest in every case. So I have a few things to say.

The River's Edge Trail is the best thing going in Great Falls and has been for the fifteen years my wife and I have lived in the city, with our now 20-year-old daughter with disabilities in a wheelchair. She has grown up learning to thrill to the excitement of the air currents forceful or mild in her face, and her chair has been a stabilizer for her parents as we slip across glazed patches of the trail in winter. Her experiences along these less developed neighborhoods of the trail have been the exotic bits of rare wilderness in her world, which otherwise consists of artificial environments. She loves it. She's a Montana girl.

So there is a big land use conflict between the location of the industrial park right up to the brim of the hill on top of the Rainbow Falls Overlook and the nearby parking areas for sightseers and trail users. Many tourists who find their way to this precipitous viewpoint are treated to what may be their only glimpse of the really dauntingly deep canyon which faced the Lewis and Clark expedition. The Missouri River is a major feature and attraction of our region and certainly the greatest asset we enjoy. Is it helpful to the good reputation of our community to position industries of unknown hazards and descriptions on top of our guests?

Strategically situated directly upwind of the trail and the parking areas of the Falls overlook, any industries which locate there, particularly in the lots designated 1, 5, 6, 7, 8 and 9, will directly impact the sensibilities of all trail users with any visual distractions, noises, odors or vapors emanating from the premises. If hazardous substances are produced or employed and are transported through the area of the lands adjacent to the overlook, some number of toxic spills are likely to the point of being inevitable, and any contamination will flow to the river.

A walk along the length of the trail is already like a tour of once and future Superfund sites. All things being equal, it would be a much better idea to make a new plan and locate any such industrial park near the malting plant north of town on Highway 87 in terms of the possibility of conflicts of interest with current and popular use. Or, if some of these lots must be host to industries of any sort I would urge the planners to locate them only in Lots 2, 3 and 4 before making any foolish mistake like giving away another prime river view property to another dirty industry for us to gaze at in our time off.

Thanks for your consideration of my point of view on the development of this special area. It is hugely important to the entire community and the region that no avoidable or irrevocable mistakes are made here anymore.

Sincerely,

Daniel S. Biehl 4212 Clark Avenue Great Falls, MT 59405 ph. 727-6177 <dsbiehl@yahoo.com>

Exhibit H - Written Public Comments

**Michael Haynes**

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**From:** Beth Hill [grizhill@gmail.com]  
**Sent:** Wednesday, January 18, 2012 12:14 PM  
**To:** Michael Haynes  
**Subject:** Concern about Agri-Tech Park

Mike Haynes

City Planning Director

Great Falls, MT 59403

Mr. Haynes

Great Falls was established because of the river. The river is still a vital part of Great Falls, but for additional reasons today. Energy production is still important for the city in terms of economics. However, the riverfront has grown to mean much more to the city's residents. Innumerable residents and visitors use the River's Edge Trail daily for a commute, personal exercise, to walk the dog, to relax, to bird watch and more. It is irreplaceable and a greater economic force to the city than has been quantified. The river is exceedingly valuable to migrating birds. Thousands of water birds as well as those that use the riparian area (vegetative borders along the river) depend on a healthy river corridor during their migration. Therefore, I have great concern about the proposed annexation and development of the open land above Rainbow Dam (Agri-Tech Park). I have concerns on many levels. It is important to preserve an open view in that area. More cranes, towers, power lines, not to mention the buildings, vehicles, etc. that would be seen from the Rainbow Overlook and "the trail" is NOT desirable. Runoff is a big concern. Whenever anything gets paved over – there will be more runoff. It isn't just the water, but what the water carries with it (spilled oil, gas, and other byproducts of a heavy industrial area). There will be more noise – not just the industries themselves, but trains and semi-trucks that service the area. I am seriously concerned about how the building height, windows, towers, power lines and night light will affect migrating birds. Birds suffer incredible losses from all those structures already, to add them in the middle of their migratory corridor is asking for greatly increased mortality. Finally, the economics of the location just don't make sense. Even though it isn't far from a railroad line – it is a long ways from the major highways (other than highway 89 going east). That means a lot of traffic through town. Are the roads up to it? In addition – if it was built to capacity – there is little room to expand further. A larger site near the malting plant would allow for much more expansion, is well away from the city proper where noise, smells, traffic would be much less of a problem.

Those are just a few of my concerns,

Beth Hill

803 3<sup>rd</sup> St NW

Great Falls, MT 59404

December 8, 2011

To Whom It May Concern:

Giant Springs State Park is unquestionably the grand jewel of Great Falls. It is a peaceful park, an extraordinarily beautiful place where many family gatherings, weddings, and other memorable occasions take place every year. It showcases a geologically significant underground springs that was remarked upon by Lewis and Clark and remains a unique phenomenon to this day. It is also part of an expansive natural habitat for all sorts of creatures.

I have spent years walking to Giant Springs State Park and beyond, through its surrounding fields and open spaces and along the river's edge, each morning and evening along the trails. I can assure you, from personal experience over the years, that there are always great numbers of wildlife living and thriving in this environment, from fish and birds of all sorts (pelicans, goldfinches, tanagers, geese, several types of ducks, great horned owls, cliff swallows, just to name a few), foxes, deer, rabbits, snakes, beavers, marmots, and many others. The excellent trail system that weaves in and out of this park allows people like me to witness and take great pleasure in the intimate activities of different creatures throughout the entire year, as they take care of and raise their young, create homes, migrate in and away, and all other expressions of life that are so sustaining to the mind and spirit.

Giant Springs State Park is an exceptional environment. In every manner, it provides the kind of sanctuary that is harder and harder to find in today's world.

Exhibit H - Written Public Comments

If Great Falls is ever to attract significant growth in the future, it will depend upon the attraction of a river corridor that gives this town its distinction. Other parts of our riverfront have already been lost to industry. (Why wouldn't any new industrial park be located somewhere like this that has already been compromised??) A rare oasis like Giant Springs State Park must be valued and guarded with every care possible!

If the town of Great Falls can summon an intelligent, compassionate, and long-sighted perspective, it will base its decisions on the radical importance (wisdom) of protecting and conserving this one-of-a-kind natural jewel, a State Park that is priceless in its significance.

***Is this the kind of community that would needlessly compromise something so special and rare for something so common? We hope not.***

Lynne and Harrison O'Connor

## Exhibit H - Written Public Comments

<b>From:</b>	Syd Rogers <irun4me2@hotmail.com>
<b>To:</b>	Michael Haynes <mhaynes@greatfallsmt.net>
<b>Date:</b>	2011-11-29 09:08:50
<b>Subject:</b>	Agri-tech park

Mike -

I am writing in support of plans to develop this property but with the proper environmental awareness, namely limited light pollution, height restrictions, color blending, and landscaping such as building berms and planting trees to buffer the River's Edge Trail. It is my understanding that many groups have been working towards proposals of these things and I would only like to add my voice in support.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Syd Rogers

**Cowboy Code**

Live each day with courage  
Take Pride in your work  
Always finish what you start  
Do what has to be done  
Be tough but fair  
When you make a promise, keep it  
Ride for the Brand  
Talk less and say more  
Remember that some things aren't for sale  
Know where to draw the line

## Exhibit H - Written Public Comments

September 3, 2012

Mayor Winters and Commissioners:  
City of Great Falls

**LEWIN LAW OFFICE**

615 THIRD AVENUE NORTH  
GREAT FALLS, MONTANA, 59401  
PHONE, FAX, V-MAIL: 406-727-8464  
E-MAIL: stuartlewin@gmail.com



Re: Proposed Industrial Zoning and TIFID south of Giant Springs  
(Items 8 and 10 of your Agenda for the Great Falls City Commission meeting to be held at 7 p.m. September 4, 2012.)

Dear Commissioners:

As I am out of town during the commissions consideration of this zoning change on September 4, I request this letter be read at the hearing and that you carefully consider its content prior to voting on Items 8 and 10 of your Agenda for the Great Falls City Commission meeting to be held at 7 p.m. September 4, 2012.

My name is STUART LEWIN, and I live at 615 Third Avenue North, Great Falls, Montana. I have lived and worked as an attorney in our community for over 39 years. I came here from practicing law in downtown Chicago upon the invitation of a law school friend, Channing Hartelius. I intended to stay only a short while and am still here mostly because of the quality of our environment. I am certain that there are many of our neighbors who are here for the same reason.

As a point of reference I will use the following terms in this letter. The Agri-tech Park proposed by the Great Falls Development authority south of Giant Springs and North of Malmstrom I will call the EAST AGRITECH PARK or EATP. The Great Bear Agri-tech Park located near the Malting Plant North of the River, I will call the NORTH AGRITECH PARK or (NATP). I will refer to the Great Falls Development Authority as GFDA, Malmstrom Air force Base as MAFB and a Tax Increment Finance Industrial District (proposed for the EATP and already in place at the NATP) as TIFID.

I oppose the proposed industrial zoning and TIFID for the EATP for the following reasons:

1. It is a sensitive environmental area. The EATP will be detrimental to the quality of life of those who already live here in Great Falls by using rivers Edge trail and visiting Giant Springs.
2. There has been to date inadequate analysis of the impact this zoning change will have on this area and therefore the public does not have adequate information upon which to comment nor do you have sufficient information to make an informed decision. Any decision you make now without an environmental impact statement would be arbitrary and capricious. We all should be able to consider scientific studies of the potential impact of industrialization on Giant Springs water flow and quality, the potential runoff of poisons into the Missouri River, the impact on our community's tourist industry of degrading the current quality environment around Giant Springs Park.



## Exhibit H - Written Public Comments

LEWIN LAW OFFICE

3. This city is still reeling from the disastrous costs from our misadventure in the electric business and this proposal will also cost the city dearly! No new businesses will move to the EATP in the foreseeable future. Only businesses already paying taxes might move there and the impact of the TIFID proposed means that current taxes will decline for many years while demands on city services will substantially increase.

4. The assumption being advanced by the proponents is that the EATP in addition to the NATP will provide twice the business and jobs for our workers. Balderdash! The NATP is already being held-up by the attempt to develop the EATP. There is plenty of space in the NATP to accommodate our industrial development needs in the future. Dividing our money and energy between competing industrial parks will hurt both efforts and result in fewer jobs, not more.

5. Locating an Agri-tech Park East and South of Giant Springs will increase truck traffic in the Missouri River Corridor. This truck traffic will increase the potential of pollution of the Missouri River. It will require expanding roads along the river. Expanding major transportation facilities in the River Corridor is just the opposite of Guiding principle number 4 (on page 9) of the Missouri River Corridor Plan (MRCP), which says:

“Major through transportation facilities in the river corridor are discouraged. Alternative routing of such facilities already in the corridor through responsible urban area transportation planning is encouraged.”

On page 18 of the MRCP it goes on to state:

”Future development must carefully consider potential impacts on the roadways due to additional volume and added points of conflict”

Has this been done as part on the analysis of the proposed EATP?

6. The city, the state, and the federal government have spent millions of taxpayer dollars on the NATP infrastructure. EATP is already slowing the industrial development in NATP by allocating limited city resources there to duplicate what is already in place and available.

7. The NATP is superior to this EATP. It is away from the river. It has huge land inventory meeting our industrialization needs for many decades to come. Trucks can access it conveniently. It is further away from the city and MAFB housing. I could go on, but you have already heard in your recent work session both from Mr. Stanic the developer of the NATP and Mr. Doney of the GFDA the developer of this EATP. As I listened to them I felt it was clear that the NATP was superior! Most importantly because the NATP infrastructure is in place, there is money in a TIFID to reimburse the developer for the money he says he will spend to provide a rail spur and with the rail spur the NATP will have all of the necessary infrastructure. The EATP has none of this infrastructure, or a TIFID, or money in a TIFID, nor a strong taxpayer like the Malting

Exhibit H - Written Public Comments

LEWIN LAW OFFICE

Plant to contribute to a TIFID.

8. Mr. Doney is fond of saying that it is important to have inventory of shovel ready plots to attract potential investors. I say the EATP is not shovel worthy! In addition, the NATP is much closer to being shovel ready, and possibly would be ready by now but for the delay caused by this parallel development.

9. Because of the huge negative impact of industrializing this important environmentally sensitive area, I believe that it will hamper our growth, slow development of the NATP and in fact cost us jobs by reducing the livability of our community as a draw for new businesses and give current residents a reason to leave.

10. Finally, the Great Falls City Commission should not in my opinion buy into the bad *karma* of this project. It is clear that although the GFDA has stated that it supports the NATP, their manipulations have attempted to stop the NATP from getting a rail spur. I suspect that since they know that once the NATP gets that spur, any incoming industry would prefer the NATP and the EATP project would flounder or disappear. Mr. Bronson and the Mayor sit on the board of the GFDA and have a clear conflict of interest. Yet they have refused so far to recues themselves from voting on this measure. In fact it was Commissioner Bronson who, contrary to the advice of the City Attorney, urged the city to sign on to the application for development moneys from the Department of Defense for this project and in fact strongly advanced the proposal to the commissioners at a prior commission meeting. If the Great Falls City Commission were to approve items 8 and 10 of their agenda at tonight's meeting they would supporting the very poor ideas of a few powerful local individuals and local landowners in the GFDA!

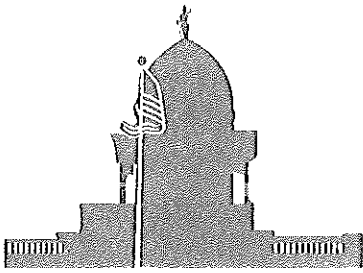
We want more and better paying jobs in our community, which increased industry will generate. In opposing the EATP, I am not against developing such jobs. Develop the NATP not the EATP and preserve our most important asset, the Missouri River. Great Falls was founded as an industrial city, but Paris Gibson was wise enough to set aside Parkland along the river. Are we wise enough to carry through his vision?

Respectfully yours,



Stuart F. Lewin

cc: City manager, City planner, Ecki of GF Tribune



## Exhibit H - Written Public Comments

BOARD OF COMMISSIONERS  
325 2nd Avenue North  
Great Falls, MT 59401  
Tel. (406) 454-6810  
Fax: (406) 454-6945  
commission@co.cascade.mt.us  
www.co.cascade.mt.us

# CASCADE COUNTY

---

June 8, 2012

City of Great Falls  
Community Development and Planning Department

Colleagues,

Thank you for the opportunity to comment on the requested annexation, zoning and subdivision request submitted on behalf of Great Falls Development for the "AgriTech Park Addition".

Although the Cascade County Commission remains supportive of the AgriTech Park concept and has provided \$20,000 to assist in its development, we have a number of concerns regarding the specific plan before you.

One item we need to bring to your attention is that not all of the land included in this proposal is currently zoned I-2 Heavy Industrial as the documents indicate. The County Commission only zoned the portions of this project west of 67<sup>th</sup> Street North I-2, the rest remains zoned as agricultural.

The action to retain the agricultural zoning East of 67<sup>th</sup> was by design, not by accident. GFDA asked if the County Commission would be willing to rezone areas east of 67<sup>th</sup> Street North and we declined.

During the public discussions of the rezoning action, a number of concerns were raised that we felt were valid and would now like to pass on to you. These are items which would have been addressed via conditions in our subdivision process.

- 1) The proximity of the development to the Rivers Edge Trail and River Recreational corridor present difficulties for the Northern sections of what are now identified as lots 1 and 8. During the zoning process GFDA was made aware that should it be subdivided under County regulations visual screening would be required along the Northern edges of these lots. We warned GFDA that this requirement coupled with the topography would severely limit the number of buildable acres contained in lot 1 and lot 8.
- 2) The proximity to Malmstrom AFB housing was also raised during the zoning process and once again we informed GFDA that some mitigation might be necessary depending on the specifics of the subdivision plan. We would hope that the City would also consider this in its evaluation of the proposed annexation, zoning and subdivision plan.
- 3) Although there were a number of concerns regarding the extension of the park east of 67<sup>th</sup> Street North, foremost among them was the proximity to the Whitmore Ravine area. This ravine has been a subject of concern for many years due to the amount of erosion and subsequent deposition of its soils into the Missouri river. The County Commission felt strongly

Exhibit H - Written Public Comments

that including properties east of the 67<sup>th</sup> Street North would further expand and complicate an already difficult environmental concern.

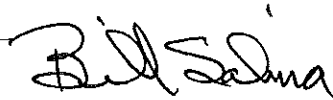
In closing, we are disappointed that GFDA has chosen to put forward a plan that had it been shared with the County at the outset would have likely caused us to deny the original change of zoning from Agricultural to I-2.

Sincerely,

Board of County Commissioners  
Cascade County, Montana



Joe Briggs  
Commissioner



Bill Salina  
Commissioner

## Exhibit H - Written Public Comments



P.O. Box 200701  
1420 East 6<sup>th</sup> Ave  
Helena, MT 59620-0701  
June 28, 2012

Mike Haynes  
Director of Planning & Community Development  
City of Great Falls MT  
Civic Center Room 112  
Great Falls, Montana 59403

Dear Mike:

We are providing this letter to support the City of Great Falls' efforts to establish adequate and effective protections for Giant Springs State Park and its associated lands in reference to the proposed AgriTech Industrial Park. As you know, the rail-served, heavy industrial park is proposed to be developed adjacent to Giant Springs State Park, which is the most visited State Park in Montana with over 300,000 visitors per year. The Parks division also strongly supports economic development throughout Montana and takes pride in the economic benefit state parks provide to Montana's tourism industry as well as quality of life throughout the state. Additionally, the division is not opposed to the industrial park, but is interested in adequate protections in several areas of concern.

The division has been involved in the planning process through its State Parks staff in Great Falls, and we appreciate your efforts to help protect the State Park, the River's Edge Trail, associated PPLM lands managed as part of Giant Springs, and Missouri River corridor. In discussions with the developer and design engineer, our staff has requested a series of reasonable protections for the State Park, its visitors, and the outstanding natural resources contained within the park and in the Missouri River Corridor. We trust that these protections can be implemented through the City Annexation process to ensure that statewide public interests associated with its status as a State Park, and its nationally recognized historic significance will be balanced with local economic development opportunities.

Giant Springs State Park is an important component of Great Falls' economic program through its attractiveness to out of town visitors to the State Park, many of whom spend considerable money in the community through lodging, restaurants, gasoline, and purchasing of supplies at local businesses as part of their visit to the Park. In 2010, visitors to Region 4 State Parks, including Giant Springs, contributed \$3.7 million to the local economy and as a result, created 60 jobs, \$1.5 million in labor income, and \$4.6 million in industry sales. The State Park is also important to local residents who use the park for family activities, school programs, outdoor recreation, scenic viewing, environmental

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 2 of 4

education, special events, wildlife viewing, exercise, and pleasure driving. A scenic and enjoyable river corridor is recognized as one of the most desirable attributes for the City of Great Falls and we support efforts to protect those attributes. Our concern is that without sensitive development of the AgriTech project many of the values that attract out of town visitors and are enjoyed by local residents would be negatively impacted.

Below is a summary of the discussions we have had with your staff, the developers, and the design engineers:

### **Storm water controls**

Several of the AgriTech proposed lots drain toward the State Park. On the heels of a very recent land slough on the river which had very high costs to both PPLM and the state of Montana, we are concerned that storm water will be discharged into several small coulees and draws within the State Park that do not currently experience appreciable flows and are dry most of the year, and contain healthy vegetation. Improper storm water controls will allow storm water to run off non-permeable surfaces within the industrial park and will create erosion within the State Park. We believe well engineered storm water protection within the industrial park can lessen the impacts on our property, and feel that the storm water infrastructure should be designed and installed in a comprehensive manner prior to development to ensure design parameters set by the City are met. We are supportive of the City's establishment of stringent storm water requirements as part of the Annexation Agreement.

For storm water that is discharged through the State Park, we are interested in entering into a stream easement or similar legal document to address the liability of the discharges onto Park lands and financial and environmental responsibility to correct damage.

We are also concerned that changes in the hydrology of the area from the industrial development may allow for additional seepage within and along the subsurface and increase the potential for landslides at Lewis & Clark Overlook and Rainbow Overlook. Proper storm water handling infrastructure as part of the industrial park design can lessen or eliminate this concern.

### **Visual impacts**

Currently the land upon which proposed AgriTech will be developed is agricultural, with no buildings or structures other than wooden utility poles present. We have discussed the need for visual buffers between the Park lands, River's Edge Trail and Overlooks with the developers and the City. Our hope is that adequate portions of the land proposed for development be left as open space, and/or developed as irrigated vegetative buffers between the Park and the industrial park. We support the City's efforts to designate certain areas as unbuildable to maintain a suitable open space corridor along the Missouri River.

For the areas that are developed as industrial properties, we encourage the use of height restrictions and set-backs to reduce the visual impacts on the Park and river corridor. AgriTech is proposed for the

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 3 of 4

high ground above the Park and River's Edge Trail and the impact of tall buildings, structures and towers could be significant.

Besides buffer areas and height restrictions, please consider provisions in the development plans to utilize non-reflective building materials, earth tone colors, and natural components to lessen the impact to State Park visitors and out of state guests who enjoy the site.

### **Noise Impacts**

Currently park visitors enjoy a quiet outdoor setting, with little mechanical noise intrusion. Rail-served industries can produce significant amounts of noise through their operations and materials handling. Please consider noise reduction efforts by the industries and rail companies, and encourage the establishment of noise level restrictions in the Annexation Agreement to reduce the impact on Park visitors. We would also encourage considerations on time of day, and weekend and holiday operations to minimize impacts to the Park visitors. Good vegetative barriers may also absorb noise.

### **Light Impacts**

As discussed with the developers and design engineers, we encourage efforts to minimize the intrusion of artificial light from the industrial facilities into the low-light setting that currently exists in the Park. We encourage the use of methods such as that provided by Leadership in Energy and Environmental Design (LEED) to effectively minimize the amount of light emitted onto Park land from AgriTech. Methods would include proper selection of light fixtures, directed lighting, lower pole heights, timers and occupancy sensors to restrict lighting to times of operation, etc. We understand there are concerns for employee safety and facility security, but these concerns can be addressed through thoughtful consideration of lighting alternatives and may also be addressed through vegetative visual impact measures.

### **Motor Vehicle Traffic**

Truck traffic and passenger vehicle traffic accessing and departing from AgriTech should be confined to 18<sup>th</sup> Ave North access points and not be permitted to use Giant Springs Rd. Road restrictions will be needed to prevent truck traffic from entering Giant Springs Rd from 67<sup>th</sup> St, and from River Drive. Recently, Giant Springs Road was designated as a Montana Scenic Byway. While this designation does not prohibit commercial use, the designation further underscores the significance of the park on a statewide and national level.

### **Litter**

With the high winds commonly found in Great Falls, and even more so at AgriTech's proposed location on high, open ground, litter being blown from processing yards, storage yards, and from truck traffic is a serious concern for the Park. This litter can also be easily blown into the river. Strict controls will be needed to ensure AgriTech tenants eliminate the possibility of litter blowing from their facilities or trucks. Tenants also need to be responsible for collecting the litter off of their sites as it occurs.

## Exhibit H - Written Public Comments

Mike Haynes  
June 28, 2012  
Page 4 of 4

In closing, we see opportunities for balanced development in a manner that will protect the national and statewide significance of park resources, maintain economic and recreational benefits provided by Giant Springs State Park and its associated lands while continuing to make Great Falls a wonderful place to live and work. We applaud the City of Great Falls in recognizing the importance of Giant Springs to the local economy and quality of life and incorporating effective protections into the Annexation Agreement. Please contact Regional Park Manager Matt Marcinek at (406) 454-5859 if additional information is needed.

Sincerely,

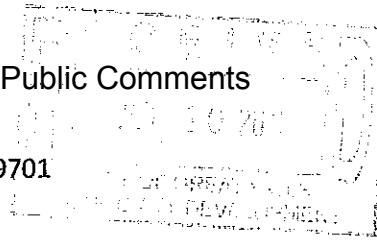
A handwritten signature in black ink, appearing to read "Chas Van Genderen". The signature is written in a cursive style with a large initial "C".

Chas Van Genderen  
Administrator  
Montana State Parks



Exhibit H - Written Public Comments

PPL Montana, 45 Basin Creek Road, Butte, Montana 59701



PPL MONTANA, LLC

Mike Haynes  
Director of Planning & Community Development  
City of Great Falls – Civic Center Room 112  
Great Falls, Montana 59403

July 6, 2012

Dear Mike:

PPL Montana provides this letter to comment upon the proposed AgriTech Industrial Park to be located northeast of Great Falls near Rainbow Dam, and to express our belief in the needed incorporation of measures into the City's annexation agreement to allow for protection of recreation resources on adjacent lands, including lands owned by PPL Montana. We understand that on July 10<sup>th</sup>, the City Planning Board will be reviewing an application from the Great Falls Development Authority for annexation of the proposed AgriTech Industrial Park, located on 18<sup>th</sup> Avenue North. As we near completion of the Rainbow Redevelopment Project and new powerhouse at Rainbow Dam, PPL Montana recognizes the economic benefit that is provided to the City by major industrial development.

PPL Montana has participated over the past several decades in supporting recreational development of the Missouri River corridor, its scenic overlooks near Rainbow Dam, and the River's Edge Trail. We recognize the economic benefit these recreational amenities bring to the City, and support their continued use and protection. Montana State Parks currently provides recreation management of lands on the south and north shore owned by PPL Montana and we fully concur in the recommendations the Division has made relative to the proposed Industrial Park.

Our primary recommendation for the proposed AgriTech Industrial Park is for incorporation of adequate storm water plans and controls into the design of the industrial park for protection of adjacent lands from increased surface runoff and erosion, as well as increased groundwater flow. Several of the proposed lots within the industrial park would drain toward land owned by PPL Montana and the State of Montana at Giant Springs State Park. We have incurred a significant adverse impact on our operation due to the Whitmore Ravine runoff and discharge into the Cochrane reservoir and do not want to see similar additional impacts to Rainbow and Cochrane reservoirs. Additionally, over the past two years, PPL Montana has completed a costly stabilization project at the Lewis & Clark Overlook. Our data indicates that groundwater flow from adjacent and upslope lands toward the river corridor can contribute to de-stabilization of the slopes at the Lewis & Clark and Rainbow overlooks. Following completion of slope stabilization efforts, PPL Montana began collection of data on groundwater depths utilizing several piezometers to better understand groundwater flow at the overlooks. We believe that incorporation of a well-designed and effectively implemented storm water plan, together with on-going control of surface runoff at the industrial park, will help protect the stability and use of adjacent recreational lands and prevent sediment loading of Rainbow and Cochrane reservoirs, which protects our operation and the recreational benefits of the reservoir.

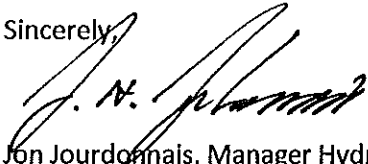
## Exhibit H - Written Public Comments

We support the use of an irrigated vegetative buffer between the proposed industrial park and adjacent recreational lands, as recommended by Montana State Parks, and note that a well-designed and well-maintained vegetative buffer would help address Parks' concerns for visual encroachment, potential noise impacts, intrusion of artificial light, and litter control. We also encourage the Planning Board to consider restrictions on truck traffic and vehicle use related to the industrial park on Giant Springs Road, since alternative access is available to the industrial park from 18<sup>th</sup> Avenue North.

PPL Montana recognizes the efforts of the City of Great Falls for thorough planning and development of the AgriTech Industrial Park, and encourages the thoughtful, balanced development of the industrial park in a manner that protects existing recreational amenities on adjacent lands.

Please contact me if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. N. Jourdonnais". The signature is fluid and cursive, with the first name "J. N." clearly visible.

Jon Jourdonnais, Manager Hydro Licensing and Compliance



July 10, 2012

615 THIRD AVENUE NORTH  
GREAT FALLS, MONTANA  
59401

City of Great Falls Planning and Development  
Civic Center, Room 112  
Great Falls, MT 59401

RE: Proposed Agri-Tech Industrial Park

Missouri River Citizens (MRC) supports the protection of the Missouri River and of Giant Springs and is against the Agri-Tech Park proposed by the Great Falls Development Authority. The membership of our organization is concerned that further industrial development so close to Giant Springs State Park could very possibly pollute forever the water quality, and will undoubtedly pollute forever the quality of the experience of people who visit the park, the Lewis and Clark Interpretive Center, and the waterfalls of the Missouri that are in this area, as well as the park near the Montana Fish Wildlife and Parks buildings.

The general practice of scattering small industrial parks throughout the city has a negative impact upon the quality of life in our community. Heavy truck traffic through some of our most scenic city areas such as the River Road by-pass has already begun interfering with public access to the river a short distance from the downtown. Further industrialization of this area will certainly have a negative impact upon not only traffic but our city's infrastructure, requiring larger sewer pipes, more roads for trucks; increasing city sewer rates and decreasing tourist access.

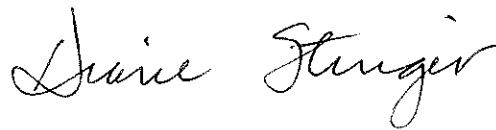
MRC is not opposed to industrial development, providing jobs and an increased tax base, but is committed to this development being away from the river. MRC does not believe it is possible to mitigate the impact of such a park on Giant Springs, the L&C Interpretive Center, or Rainbow Falls Overlook. The sights, sounds and smells of the prairie environment now enjoyed at these three places will be forever destroyed. Giant Springs is a priceless natural wonder, the Interpretive Center relies on its environmental surrounding as part of its lure as a tourist destination,

Exhibit H - Written Public Comments

the Great Falls of the Missouri are world renowned, as are the former two attractions. Many people and organizations such as the US Forest Service, Montana Fish, Wildlife and Parks, the city and the county have worked together to preserve this prairie and river area. This relatively pristine area is an enormous attraction for people from all over the world, and will only grow as such. We should be working to make this area more pristine, rather than working to destroy the experience people travel thousands of miles to enjoy, at the same time spending money in our city, providing and positively impacting jobs for hundreds of residents.

Why destroy the work of so many citizens by locating an industrial park in close proximity to these attractions? Why take away or reduce jobs from hundreds to provide jobs for a few when new jobs can be created in another location and allow this remarkable area to remain a never- to -be -forgotten experience for thousands of people in the near and far future? It is plainly nonsensical to do so. We urge you to abandon consideration of this location and re-focus your attention to developing the Great Bear Industrial Park as a much more suitable location for heavy industry. MRC supports the Great Bear Industrial Park on the north side of the river, and is very disappointed and puzzled by Great Falls Development Authority's apparent bungling and/or stalling of the building of a rail spur serving this Industrial Park, yet advances the proposed and non-sensical Agri-Tech Park location by emphasizing its railroad accessibility. The public is owed an explanation, and the hundreds of jobs of those who benefit from the tourist industry are owed your serious consideration and an explanation of this thoughtless proposal.

Sincerely,  
Missouri River Citizens

A handwritten signature in cursive script that reads "Diane Stinger".

By: Diane Stinger, Board Member

## Exhibit H - Written Public Comments

To Whom it May Concern:

As a resident of the east side and a frequent user of the nearby sections of the River's Edge Trail Trail, I think the questions of *whether* and *how* are critical in decisions regarding the proposed AgriTech Industrial Park adjacent to the Giant Springs Co. on 18<sup>th</sup> Avenue North. We rely on the powers that be to do the right thing for the public interest in every case. So I have a few things to say.

The River's Edge Trail is the best thing going in Great Falls and has been for the fifteen years my wife and I have lived in the city, with our now 20-year-old daughter with disabilities in a wheelchair. She has grown up learning to thrill to the excitement of the air currents forceful or mild in her face, and her chair has been a stabilizer for her parents as we slip across glazed patches of the trail in winter. Her experiences along these less developed neighborhoods of the trail have been the exotic bits of rare wilderness in her world, which otherwise consists of artificial environments. She loves it. She's a Montana girl.

So there is a big land use conflict between the location of the industrial park right up to the brim of the hill on top of the Rainbow Falls Overlook and the nearby parking areas for sightseers and trail users. Many tourists who find their way to this precipitous viewpoint are treated to what may be their only glimpse of the really dauntingly deep canyon which faced the Lewis and Clark expedition. The Missouri River is a major feature and attraction of our region and certainly the greatest asset we enjoy. Is it helpful to the good reputation of our community to position industries of unknown hazards and descriptions on top of our guests?

Strategically situated directly upwind of the trail and the parking areas of the Falls overlook, any industries which locate there, particularly in the lots designated 1, 5, 6, 7, 8 and 9, will directly impact the sensibilities of all trail users with any visual distractions, noises, odors or vapors emanating from the premises. If hazardous substances are produced or employed and are transported through the area of the lands adjacent to the overlook, some number of toxic spills are likely to the point of being inevitable, and any contamination will flow to the river.

A walk along the length of the trail is already like a tour of once and future Superfund sites. All things being equal, it would be a much better idea to make a new plan and locate any such industrial park near the malting plant north of town on Highway 87 in terms of the possibility of conflicts of interest with current and popular use. Or, if some of these lots must be host to industries of any sort I would urge the planners to locate them only in Lots 2, 3 and 4 before making any foolish mistake like giving away another prime river view property to another dirty industry for us to gaze at in our time off.

Thanks for your consideration of my point of view on the development of this special area. It is hugely important to the entire community and the region that no avoidable or irrevocable mistakes are made here anymore.

Sincerely,

Daniel S. Biehl 4212 Clark Avenue Great Falls, MT 59405 ph. 727-6177 <dsbiehl@yahoo.com>

Exhibit H - Written Public Comments

**Michael Haynes**

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**From:** Beth Hill [grizhill@gmail.com]  
**Sent:** Wednesday, January 18, 2012 12:14 PM  
**To:** Michael Haynes  
**Subject:** Concern about Agri-Tech Park

Mike Haynes

City Planning Director

Great Falls, MT 59403

Mr. Haynes

Great Falls was established because of the river. The river is still a vital part of Great Falls, but for additional reasons today. Energy production is still important for the city in terms of economics. However, the riverfront has grown to mean much more to the city's residents. Innumerable residents and visitors use the River's Edge Trail daily for a commute, personal exercise, to walk the dog, to relax, to bird watch and more. It is irreplaceable and a greater economic force to the city than has been quantified. The river is exceedingly valuable to migrating birds. Thousands of water birds as well as those that use the riparian area (vegetative borders along the river) depend on a healthy river corridor during their migration. Therefore, I have great concern about the proposed annexation and development of the open land above Rainbow Dam (Agri-Tech Park). I have concerns on many levels. It is important to preserve an open view in that area. More cranes, towers, power lines, not to mention the buildings, vehicles, etc. that would be seen from the Rainbow Overlook and "the trail" is NOT desirable. Runoff is a big concern. Whenever anything gets paved over – there will be more runoff. It isn't just the water, but what the water carries with it (spilled oil, gas, and other byproducts of a heavy industrial area). There will be more noise – not just the industries themselves, but trains and semi-trucks that service the area. I am seriously concerned about how the building height, windows, towers, power lines and night light will affect migrating birds. Birds suffer incredible losses from all those structures already, to add them in the middle of their migratory corridor is asking for greatly increased mortality. Finally, the economics of the location just don't make sense. Even though it isn't far from a railroad line – it is a long ways from the major highways (other than highway 89 going east). That means a lot of traffic through town. Are the roads up to it? In addition – if it was built to capacity – there is little room to expand further. A larger site near the malting plant would allow for much more expansion, is well away from the city proper where noise, smells, traffic would be much less of a problem.

Those are just a few of my concerns,

Beth Hill

803 3<sup>rd</sup> St NW

Great Falls, MT 59404

December 8, 2011

To Whom It May Concern:

Giant Springs State Park is unquestionably the grand jewel of Great Falls. It is a peaceful park, an extraordinarily beautiful place where many family gatherings, weddings, and other memorable occasions take place every year. It showcases a geologically significant underground springs that was remarked upon by Lewis and Clark and remains a unique phenomenon to this day. It is also part of an expansive natural habitat for all sorts of creatures.

I have spent years walking to Giant Springs State Park and beyond, through its surrounding fields and open spaces and along the river's edge, each morning and evening along the trails. I can assure you, from personal experience over the years, that there are always great numbers of wildlife living and thriving in this environment, from fish and birds of all sorts (pelicans, goldfinches, tanagers, geese, several types of ducks, great horned owls, cliff swallows, just to name a few), foxes, deer, rabbits, snakes, beavers, marmots, and many others. The excellent trail system that weaves in and out of this park allows people like me to witness and take great pleasure in the intimate activities of different creatures throughout the entire year, as they take care of and raise their young, create homes, migrate in and away, and all other expressions of life that are so sustaining to the mind and spirit.

Giant Springs State Park is an exceptional environment. In every manner, it provides the kind of sanctuary that is harder and harder to find in today's world.

Exhibit H - Written Public Comments

If Great Falls is ever to attract significant growth in the future, it will depend upon the attraction of a river corridor that gives this town its distinction. Other parts of our riverfront have already been lost to industry. (Why wouldn't any new industrial park be located somewhere like this that has already been compromised??) A rare oasis like Giant Springs State Park must be valued and guarded with every care possible!

If the town of Great Falls can summon an intelligent, compassionate, and long-sighted perspective, it will base its decisions on the radical importance (wisdom) of protecting and conserving this one-of-a-kind natural jewel, a State Park that is priceless in its significance.

***Is this the kind of community that would needlessly compromise something so special and rare for something so common? We hope not.***

Lynne and Harrison O'Connor



## Exhibit H - Written Public Comments

<b>From:</b>	Syd Rogers <irun4me2@hotmail.com>
<b>To:</b>	Michael Haynes <mhaynes@greatfallsmt.net>
<b>Date:</b>	2011-11-29 09:08:50
<b>Subject:</b>	Agri-tech park

Mike -

I am writing in support of plans to develop this property but with the proper environmental awareness, namely limited light pollution, height restrictions, color blending, and landscaping such as building berms and planting trees to buffer the River's Edge Trail. It is my understanding that many groups have been working towards proposals of these things and I would only like to add my voice in support.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Syd Rogers

**Cowboy Code**

Live each day with courage  
Take Pride in your work  
Always finish what you start  
Do what has to be done  
Be tough but fair  
When you make a promise, keep it  
Ride for the Brand  
Talk less and say more  
Remember that some things aren't for sale  
Know where to draw the line

## Exhibit H - Written Public Comments

September 3, 2012

Mayor Winters and Commissioners:  
City of Great Falls

**LEWIN LAW OFFICE**

615 THIRD AVENUE NORTH  
GREAT FALLS, MONTANA, 59401  
PHONE, FAX, V-MAIL: 406-727-8464  
E-MAIL: stuartlewin@gmail.com



Re: Proposed Industrial Zoning and TIFID south of Giant Springs  
(Items 8 and 10 of your Agenda for the Great Falls City Commission meeting to  
be held at 7 p.m. September 4, 2012.

Dear Commissioners:

As I am out of town during the commissions consideration of this zoning change on September 4, I request this letter be read at the hearing and that you carefully consider its content prior to voting on Items 8 and 10 of your Agenda for the Great Falls City Commission meeting to be held at 7 p.m. September 4, 2012.

My name is STUART LEWIN, and I live at 615 Third Avenue North, Great Falls, Montana. I have lived and worked as an attorney in our community for over 39 years. I came here from practicing law in downtown Chicago upon the invitation of a law school friend, Channing Hartelius. I intended to stay only a short while and am still here mostly because of the quality of our environment. I am certain that there are many of our neighbors who are here for the same reason.

As a point of reference I will use the following terms in this letter. The Agri-tech Park proposed by the Great Falls Development authority south of Giant Springs and North of Malmstrom I will call the EAST AGRITECH PARK or EATP. The Great Bear Agri-tech Park located near the Malting Plant North of the River, I will call the NORTH AGRITECH PARK or (NATP). I will refer to the Great Falls Development Authority as GFDA, Malmstrom Air force Base as MAFB and a Tax Increment Finance Industrial District (proposed for the EATP and already in place at the NATP) as TIFID.

I oppose the proposed industrial zoning and TIFID for the EATP for the following reasons:

1. It is a sensitive environmental area. The EATP will be detrimental to the quality of life of those who already live here in Great Falls by using rivers Edge trail and visiting Giant Springs.
2. There has been to date inadequate analysis of the impact this zoning change will have on this area and therefore the public does not have adequate information upon which to comment nor do you have sufficient information to make an informed decision. Any decision you make now without an environmental impact statement would be arbitrary and capricious. We all should be able to consider scientific studies of the potential impact of industrialization on Giant Springs water flow and quality, the potential runoff of poisons into the Missouri River, the impact on our community's tourist industry of degrading the current quality environment around Giant Springs Park.

## Exhibit H - Written Public Comments

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3. This city is still reeling from the disastrous costs from our misadventure in the electric business and this proposal will also cost the city dearly! No new businesses will move to the EATP in the foreseeable future. Only businesses already paying taxes might move there and the impact of the TIFID proposed means that current taxes will decline for many years while demands on city services will substantially increase.

4. The assumption being advanced by the proponents is that the EATP in addition to the NATP will provide twice the business and jobs for our workers. Balderdash! The NATP is already being held-up by the attempt to develop the EATP. There is plenty of space in the NATP to accommodate our industrial development needs in the future. Dividing our money and energy between competing industrial parks will hurt both efforts and result in fewer jobs, not more.

5. Locating an Agri-tech Park East and South of Giant Springs will increase truck traffic in the Missouri River Corridor. This truck traffic will increase the potential of pollution of the Missouri River. It will require expanding roads along the river. Expanding major transportation facilities in the River Corridor is just the opposite of Guiding principle number 4 (on page 9) of the Missouri River Corridor Plan (MRCP), which says:

“Major through transportation facilities in the river corridor are discouraged. Alternative routing of such facilities already in the corridor through responsible urban area transportation planning is encouraged.”

On page 18 of the MRCP it goes on to state:

”Future development must carefully consider potential impacts on the roadways due to additional volume and added points of conflict”

Has this been done as part on the analysis of the proposed EATP?

6. The city, the state, and the federal government have spent millions of taxpayer dollars on the NATP infrastructure. EATP is already slowing the industrial development in NATP by allocating limited city resources there to duplicate what is already in place and available.

7. The NATP is superior to this EATP. It is away from the river. It has huge land inventory meeting our industrialization needs for many decades to come. Trucks can access it conveniently. It is further away from the city and MAFB housing. I could go on, but you have already heard in your recent work session both from Mr. Stanic the developer of the NATP and Mr. Doney of the GFDA the developer of this EATP. As I listened to them I felt it was clear that the NATP was superior! Most importantly because the NATP infrastructure is in place, there is money in a TIFID to reimburse the developer for the money he says he will spend to provide a rail spur and with the rail spur the NATP will have all of the necessary infrastructure. The EATP has none of this infrastructure, or a TIFID, or money in a TIFID, nor a strong taxpayer like the Malting

Exhibit H - Written Public Comments

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Plant to contribute to a TIFID.

8. Mr. Doney is fond of saying that it is important to have inventory of shovel ready plots to attract potential investors. I say the EATP is not shovel worthy! In addition, the NATP is much closer to being shovel ready, and possibly would be ready by now but for the delay caused by this parallel development.

9. Because of the huge negative impact of industrializing this important environmentally sensitive area, I believe that it will hamper our growth, slow development of the NATP and in fact cost us jobs by reducing the livability of our community as a draw for new businesses and give current residents a reason to leave.

10. Finally, the Great Falls City Commission should not in my opinion buy into the bad *karma* of this project. It is clear that although the GFDA has stated that it supports the NATP, their manipulations have attempted to stop the NATP from getting a rail spur. I suspect that since they know that once the NATP gets that spur, any incoming industry would prefer the NATP and the EATP project would flounder or disappear. Mr. Bronson and the Mayor sit on the board of the GFDA and have a clear conflict of interest. Yet they have refused so far to recues themselves from voting on this measure. In fact it was Commissioner Bronson who, contrary to the advice of the City Attorney, urged the city to sign on to the application for development moneys from the Department of Defense for this project and in fact strongly advanced the proposal to the commissioners at a prior commission meeting. If the Great Falls City Commission were to approve items 8 and 10 of their agenda at tonight's meeting they would supporting the very poor ideas of a few powerful local individuals and local landowners in the GFDA!

We want more and better paying jobs in our community, which increased industry will generate. In opposing the EATP, I am not against developing such jobs. Develop the NATP not the EATP and preserve our most important asset, the Missouri River. Great Falls was founded as an industrial city, but Paris Gibson was wise enough to set aside Parkland along the river. Are we wise enough to carry through his vision?

Respectfully yours,



Stuart F. Lewin

cc: City manager, City planner, Ecki of GF Tribune

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JULY 10, 2012**

**Case Number**

ANX2012-2  
ZON2012-2  
SUB2012-1

**Applicant**

Great Falls Development Authority (GFDA)

**Property Location**

18th Avenue North and 67th Street North

**Requested Action**

Annexation of ±196.549 acres of property

**Major Subdivision**

Preliminary plat -10 lots

**Rezone** the subject property from County I-2 (Heavy Industrial) and AG (Agricultural) to City I-2 (Heavy Industrial).

**Neighborhood Council**

Neighborhood Council #4

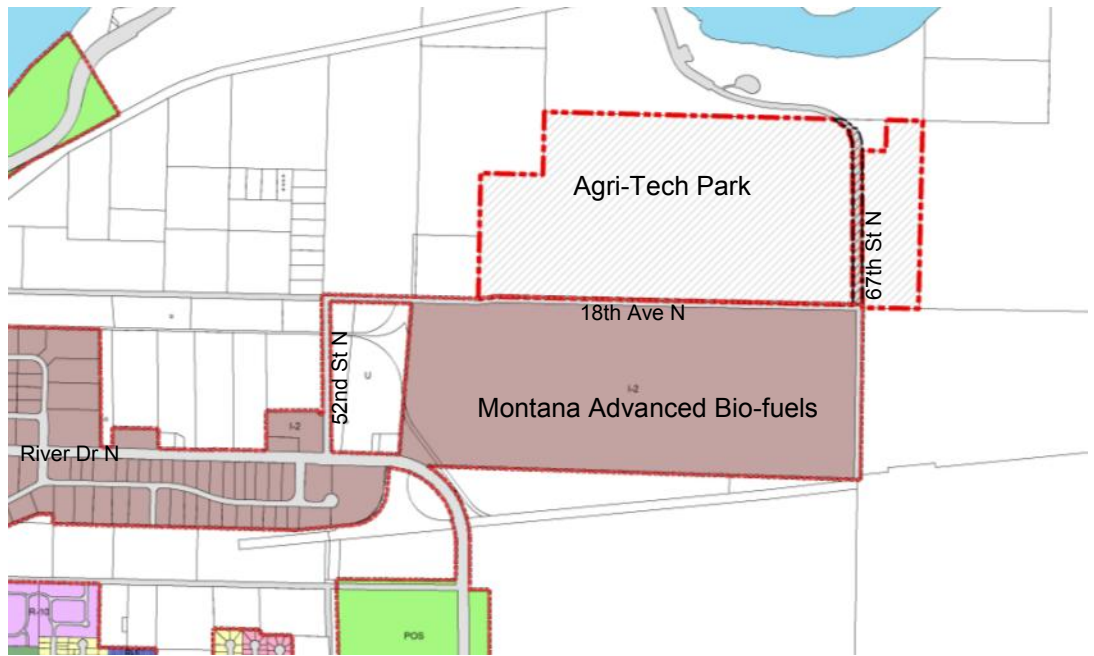
**Recommendation**

Annexation of the subject property with initial zoning of I-2 (Heavy Industrial) and POS (Parks & Open Space) with conditions of approval.

**Project Planner**

Mike Haynes, AICP

## AGRI-TECH RAIL-SERVED INDUSTRIAL PARK: ANNEXATION, ZONING AND PRELIMINARY PLAT



**Location Map**



Summary

**Project Description**

The AGRI-TECH PARK is a proposed rail-served heavy industrial park with an emphasis on value-added processing of agricultural products.

The subject property is generally located north of 18th Avenue North, both east and west of 67th Street North. The property comprises ±196.549 acres of which ±193.684 is proposed as industrial lots and ±2.865 is the right-of-way of 67th Street North.

The subject property is contiguous to the large undeveloped I-2 zoned property that has been slated for development of

an ethanol (now Montana Advanced Bio-fuels) plant since the early 1990s.

**Background**

- Legal Description of property's location: A tract of land located in GLO Lots 8 & 9, the SE 1/4 and SW 1/4 of S34, T21N, R4E
- Area of property: ±196.549 acres

**Agency Comment**

Planning & Community Development, Public Works and other City Departments have attended pre-development and pre-application meetings on the AGRI-TECH PARK since January 2010.

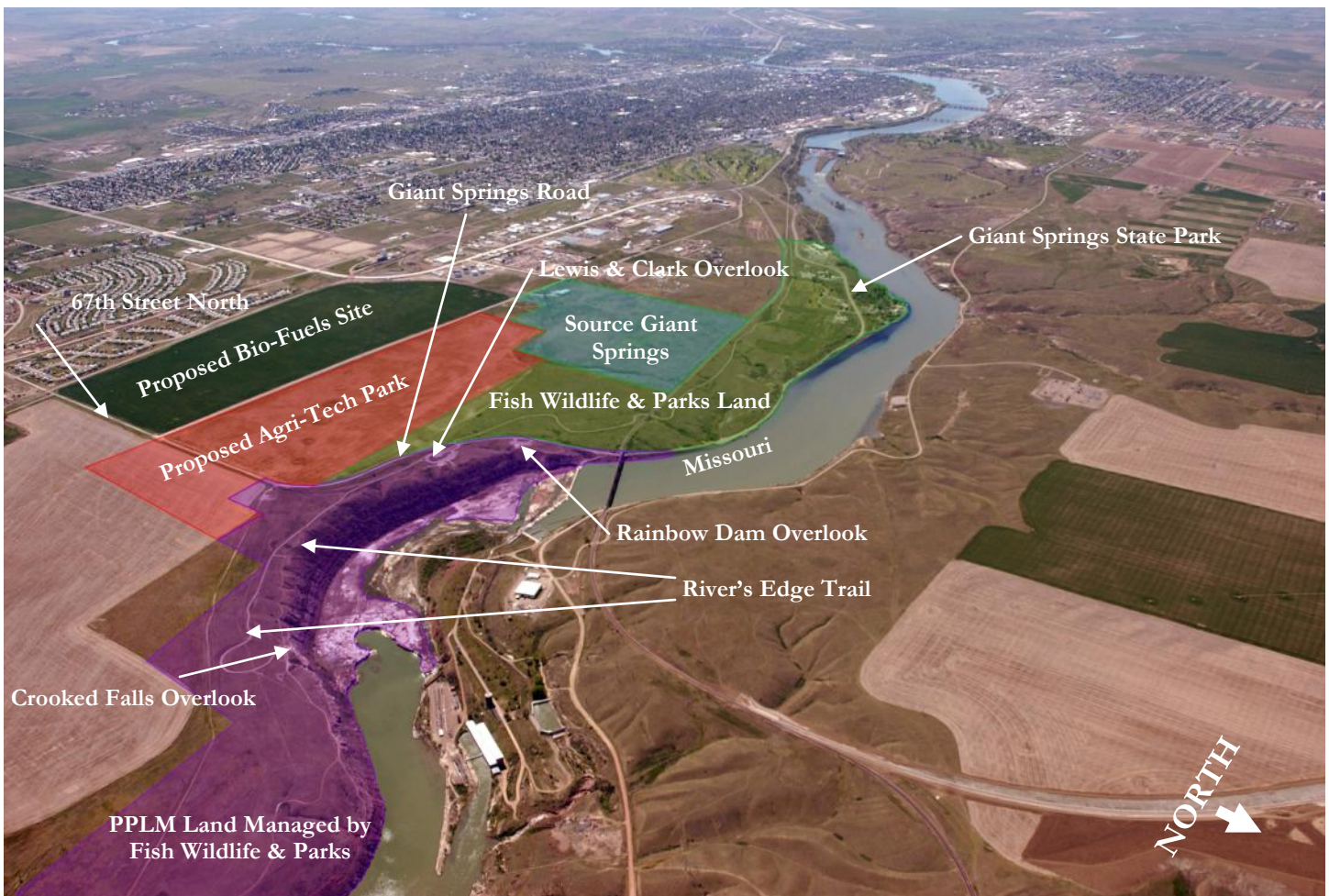
## Existing Conditions

The existing site information for the said property includes:

**Existing Use:** The ±196.549 subject property is in unincorporated Cascade County, but is contiguous with City of Great Falls jurisdictional boundary. That portion of the subject property lying west of 67th Street North is undeveloped and used for dry-land farming, and has County I-2 (Heavy Industrial) zoning. That portion of the subject property lying east of 67th Street North is undeveloped and used for dry-land farming and has County AG (Agricultural) zoning (see Exhibit A - Zoning Map).

**Adjacent Land Use:** South of the subject property is the “American Agri-Tech Addition” that has I-2 Heavy Industrial zoning in the city but remains undeveloped and used for dry-land farming. This property was annexed into the City in 1992 in expectation of development of an ethanol plant. That development never occurred, but there has been renewed interest recently in developing this site with a newer technology Advanced Bio-fuels plant. South of the American Agri-Tech Addition is Malmstrom Air Force Base and more specifically base housing.

Adjacent to, and north of, the subject property is Giant Springs State Park comprised of state-owned (Fish Wildlife and Parks - FWP) land and PPL land managed by FWP. The FWP land is part of a greenway system that extends along the south shore of the Missouri River from Black Eagle Dam to Rainbow Dam and further on east. The River’s Edge Trail runs through the park generally parallel to Giant Springs Road (designated a scenic by-way in 2011) to within about 200 feet of the subject property where it crosses the road adjacent to the Lewis and Clark Scenic Overlook. The paved section of River’s Edge Trail continues on east to the Crooked Falls Overlook where the paved trail ends and the unpaved trail continues on to Box Elder Creek (see Exhibit B—Aerial Photo).



West of the subject property is largely undeveloped property owned by water-bottler Source Giant Springs with some industrial uses beyond that (north of 18th Avenue North and west of 52nd Street North).

East of the subject property is more undeveloped land owned by the Loy Trust with Whitmore Ravine running generally south to north through that property and out-falling into the Missouri River

Prime building sites in the proposed AGRI-TECH PARK are at elevations of  $\pm 3,440$  feet. That is about 70 feet above the elevation of the Lewis and Clark Overlook and 100 feet above the Rainbow Dam Overlook, which are about 350 feet and 600 feet respectively from the northern boundary of the subject property (identified by a fence-line - see site photos this page and next page). The northern boundary of the subject property is as close as 600 feet to the Missouri River, which is at an elevation of about  $\pm 3,240$  feet at this point or about 200 feet below the elevation of the proposed AGRI-TECH PARK building sites.

### Application

The Applicant is requesting to annex the  $\pm 196.549$ -acre subject property into the City with I-2 (Heavy Industrial) zoning, and to subdivide the property into 10 lots. The proposed AGRI-TECH PARK project is to accommodate heavy industrial rail-served businesses with a special emphasis on agricultural processing.

The project is speculative. The types of industrial uses and specific businesses that may opt to locate in the AGRI-TECH PARK are unknown. Given there are no development plans to review at this time, common practice would be to establish, in a Development Agreement, what uses would be permitted on the subject property and a set of development standards to be met by the industrial end-users. Typically, in such industrial park developments there would also be a Property Owners Association (POA) responsible for maintaining common facilities and infrastructure such as master stormwater facilities, the rail-line, and any other shared infrastructure. This would provide the community with some assurances that users would cooperate in the maintenance and appearance of the industrial park

The Applicant is not willing to establish development standards or commit to establishing a POA. Instead,



View east along Giant Springs Road with subject property on right



Subject property (fence-line on horizon) viewed from Rainbow Dam Overlook



Subject property viewed from the west - Giant Springs Picnic Area

the Applicant has requested that the City consider development on every lot to be a separate phase of development where each lot will “stand alone” in terms of the industrial end-user being entirely responsible for building and maintaining separate on-site systems.

Without development standards, each new industrial end-user would simply be able to submit development plans and obtain building permits for their project, without any mechanism in place to mitigate adverse impacts of industrial development. Mitigation considerations should include visual impacts of industrial buildings, structures and outdoor storage, noise, dust, light pollution, litter, etc. that are often associated with heavy industrial uses. It would also preclude the establishment of design standards for landscaping, signage, etc. that can give an industrial park with different end-users at least the appearance of a cohesive project as seen from the public right-of-way.

The proximity of the subject property to the river and to the environmental, recreational and cultural assets previously mentioned requires use of some planning tools that will provide reasonable protections for the adjacent community assets.

Montana Code Annotated (MCA) 76-3-608 (4) allows the governing body to require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified.

In order to accommodate the Applicant, protect the City, and preserve the opportunity for public involvement, staff recommends a process whereby the Planning Advisory Board and City Commission review a Specific Parcel Master Plan (SPMP) for each proposed phase of development as a specific industrial use is proposed on each lot. SPMP review would be a condition of the annexation agreement and a process separate from and subsequent to the statutorily required annexation, initial zoning and subdivision process. The SPMP process would simply require:

1. Application to the Planning and Community Development Department (conceptual site plan, building elevations, engineering and drainage plan, and reasonable mitigation plan to address potential adverse impacts)
2. Review by planning staff and issuance of a staff recommendation and proposed conditions of approval



Looking west along north boundary line from just west of 67th Street North (proposed Lot 8)



View northwest from subject property (proposed Lot 8) to the trellis bridge and the river



View NW from the subject property (Proposed Lot 8) to the river



3. Consideration and recommendation by the Planning Advisory Board
4. Final action by the Great Falls City Commission

This would be an expedited process but a process that provides the Planning Advisory Board and the City Commission an opportunity to take public input and consider the staff recommendation and reasonable conditions of approval based on an actual development proposal. It would allow the City Commission to make a final decision on the appropriateness of the request and mitigation measures based on a specific industrial use, industrial end-user and development plan.

### Project Description

The proposed AGRI-TECH PARK project comprises 10 lots. Lots 1-8 are located on the west side of 67th Street North and Lots 9-10 are located east of 67th Street North (see Exhibit E-Preliminary Plat & Exhibit F - Site Plan).

The Applicant proposes to bring water and sewer to serve the project from the west. It is proposed to extend the existing rail spur that now runs south of and parallel to 18th Avenue North to just east of 52nd Street North, on further east to serve the project. It is proposed to construct the rail extension across 18th Avenue North and northeast through the subject property crossing 67th Street and then running south between proposed Lots 9 and 10 (see Exhibit C-Utility Map).

### **Proposed Development West of 67th Street North**

There are eight proposed development sites east of 67th Street North with proposed Lots 1 and 8 on the north side of the proposed rail line extension and proposed Lots 2-7 on the south side.

Proposed development on Lots 1 and 8 are of particular concern due to their location on the north side of the subject property. As previously mentioned, these two northernmost lots are closest to, and overlook, the Missouri River, the Rivers Edge Trail, the Rainbow Dam and Lewis and Clark Overlooks, and Giant Springs State Park. Lots 1 and 8 present the greatest challenges for development with both lots having at least 40 feet of elevation change as land slopes off to Giant Springs State Park and to the Missouri River.

FWP supports of development of the AGRI-TECH PARK project but only with “adequate and effective protections for Giant Springs State Park” (see Exhibit I - FWP Letter).

The most cost-effective solution to protecting the viewshed from the river corridor and to ease concerns regarding stormwater runoff is for the provision of open space buffers along the northern boundary of Lot 1. The Applicant is proposing a “buildable/non-buildable area break line” that would prohibit development on 12.04 acres of Lot 1 and 0.17 acres of Lot 8 (see Exhibit F - Site Plan). This would provide an acceptable buffer on Lot 1 if the non-buildable area is preserved as open space in perpetuity and maintained in its natural condition. Depending on the development proposed for Lot 1, it would be determined through the SPMP process what landscape screening or other design solution might be needed for additional protection of the viewshed.

Lot 8 is already highly constrained by virtue of its configuration and prominent location as viewed from the river corridor. The proposed non-buildable area of 0.17 acres does not mitigate adverse impacts. Development of this property will be extremely difficult without negatively impacting the surrounding area. It is recommended that Lot 8 should therefore be reserved for a very low-impact, low-rise development with significant mitigation required to preserve the viewshed including, but not limited to landscape buffers). This will be addressed through the SPMP process.

Development on lots 2-7 is less of a concern in terms of the viewshed, but there remain concerns with regard the potential impacts of industrial development in terms of noise, light pollution, dust, litter, drainage, etc. which is why the SPMP process is recommended for every lot in the AGRI-TECH PARK. Much of the subject property naturally drains to the east towards Whitmore Ravine while the remainder drains mostly north to Giant Springs State Park.

### **Proposed Development East of 67th Street North**

Proposed development sites east of 67th Street North are Lots 9 and 10. This ±26 acre property comprises about 13 percent of the overall subject property and has AG (Agricultural) zoning in Cascade County. The Applicant is requesting to annex this property into the City with I-2 (Heavy Industrial) zoning along with the property west of the 67th Street North that has I-2 (Heavy Industrial) zoning in the County.

Cascade County Commissioners declined to rezone this property to I-2 (Heavy Industrial), and they maintain that industrial development in this area is not appropriate because of (1) its proximity to the River's Edge Trail and Missouri River Recreational Corridor; (2) its proximity to Malmstrom AFB housing; and, (3) most importantly, its proximity to, and impact on, Whitmore Ravine which has experienced significant erosion and represents a serious environmental problem that it is estimated will cost over \$10 million to resolve (see Exhibit H - Cascade County Position Letter).

City planning staff share the concerns of Cascade County Commissioners and maintain that the appropriate zoning for the property east of 67th Street North is POS (Parks and Open Space), generally consistent with the current AG zoning in the County, until such time as Lots 1-8 are developed and a permanent solution to stabilize Whitmore Ravine is approved and funded. The appropriateness of industrial development east of 67th Street North may be revisited at that time, and, if industrial development is found to be appropriate, a request may be made to rezone the property. Agriculture shall be permitted to continue on Lots 9 and 10 as a condition of annexation.

All of the issues discussed above will be addressed in the conditions of the Annexation Agreement that serve to permit industrial development of the subject property in a way that is sensitive to the surrounding areas.

### Improvements

#### **Water System Improvements**

Initial water system improvements consist of a 16-inch sized water transmission main along the north side of 18<sup>th</sup> Avenue North and a 12-inch sized water distribution line along the west side 67<sup>th</sup> Street North. These improvements are proposed to serve the subdivision's domestic, industrial and fire water demands. The 16-inch water main has been sized to serve the anticipated demands of the subdivision and Advanced Bio-fuels development.

The engineering plans, specifications and design reports for these mains have been reviewed and conditionally approved by City staff.

The Applicant has constructed a segment of the 16-inch main from the City's water system near the intersection of River Road North and 52nd Street North to the west property line of Lot 3 of the proposed subdivision. The City Engineer advised the Applicant several times that proceeding with the water main construction prior to annexation was not an approval of the annexation/subdivision, and was solely at their risk.

In addition to the mains mentioned above, additional distribution and fire lines may be necessary to serve the different types of industrial development that may occur on each individual lot. These improvements will be identified as part of an SPMP or building permit application. As part of the SPMP process, water and fire flow demands and water flow and pressure information specific to that development will be required. The developers of each lot will also be required to design and construct any public water main(s), public and private fire lines, and private domestic/industrial services lines to meet the demands and requirements identified in the SPMP.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified within the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

## Wastewater System Improvements

Initial wastewater improvements include 8-inch gravity sanitary sewer mains along 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North, a 400 gallon per minute submersible sewage lift station to be located close to the intersection of 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North, an 8-inch force main along 18<sup>th</sup> Avenue North between the sewage lift station and a 15-inch gravity main, and 15-inch and 18-inch sized gravity sanitary sewer mains between the 18<sup>th</sup> Avenue North site to an existing City gravity main located east of River Drive North on the south side of the railroad spur line serving Malmstrom AFB. A portion of the sewer force main and the 15-inch and 18-inch gravity mains will cross the proposed Advanced Bio-fuels plant site. The 18-inch gravity main has been sized to serve the anticipated discharge flows from the proposed subdivision and the Advanced Bio-fuels development. The engineering plans, specifications and design reports for the gravity and force mains have been reviewed and conditionally approved by City staff. The lift station is currently under review.

The Applicant has received bids and is planning to award a contract to construct the segments of 15-inch and 18-inch sized gravity mains across the Advance Bio-fuels site and the 8-inch gravity and 8-inch force main adjacent to Lots 2 and 3. The Applicant proposes to install the remainder of the gravity and force mains along with the wastewater lift station at a future time as funds become available. Therefore, the public gravity and force mains adjacent to Lots 2 and 3 will not be functional until such time the remainder of the mains along 18<sup>th</sup> Avenue North and the lift station are constructed. The Applicant proposes to first develop Lots 1-4 by temporarily serving Lots 2-4 by individual private wastewater lift stations and force mains until such time the public mains and lift station are constructed. Lot 1 would be served on a permanent basis by a private lift station and force service line. At such time the public mains and lift station are completed, the private lift stations and force service lines serving Lots 2-4 will be abandoned and gravity service lines connected. Those gravity service lines will need to be installed at the time each lot is developed. Again, the Applicant has been advised by the City Engineer that proceeding with the sewer main improvements prior to annexation was not an approval of the annexation/subdivision, and was solely at their risk.

In addition to the public sewer main and lift station improvements mentioned above, additional public infrastructure may be necessary to serve the different types of development that may occur on each individual lot. These improvements will be identified as part of a SPMP or building permit application. As part of the SPMP process, the developer will be required to provide information on wastewater flow rates and the characteristics and composition of wastewater discharges. The developer of each lot will also be required to design and install any public and private infrastructure identified in the SPMP, including pre-treatment facilities that may be required by federal, state and local statutes, codes, and standards and other requirements.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

## Stormwater

The Applicant has completed a preliminary storm drain study and report for the subdivision. However, final comprehensive stormwater improvements and drainage plans have not been submitted. Staff requires the Applicant complete a final subdivision drainage and improvements plan that provides each lot with a master planned discharge point and/or conveyance. It is required that drainage from Lots 3-7 and a portion of Lot 2 draining to the east be served by an underground conduit with manholes/inlets along 18<sup>th</sup> Avenue North. It is also required that a drainage easement be obtained across the Loy Trust property currently being farmed between 67<sup>th</sup> Street North and the more defined drainage channel that cannot be farmed. Drainage improvements shall be provided if requested by the Loy Trust. Also, it is requested that Lot 1 and the portion of Lot 2 draining to the north provide a common easement and underground conduit across Lot 1. Drainage easements for Lots 8, 9 and 10 shall also be secured across adjoining properties to the points where the drainage joins a well defined natural drainage and/or drainage ditch along a public right-of-way. Drainage improvements shall be installed in these easements if requested by the owner(s). It is requested that stilling basins be designed and constructed at all discharge points to

natural drainages. It is also required that the Applicant make plans and/or provisions for installation of erosion controls (if required) in any of the natural drainages that receive runoff from the subdivision.

The Applicant is in agreement that the developers of each lot be responsible for individual private improvements (see narrative below).

In addition to the public drainage improvements mentioned above, additional public infrastructure will occur on each individual lot as part of a SPMP or building permit application. The SPMP for each development will be required to prepare individual drainage plans and reports, and design and construct improvements in accordance with the City statutes, requirements and standards.

Because the proposed subdivision drains to natural drainages with steep gradients with high potential for erosion, it is required that the development of each lot be required to limit runoff to the peak runoff from a 2-year 2-hour storm assuming pre-development conditions. The stormwater runoff will be managed by designing and constructing privately owned, operated, and maintained stormwater detention and/or retention storage facilities on each development site. Design criteria and information found in the City's Storm Drainage Design Manual shall be used for designing these facilities.

The development for each lot will be required to implement best management practices for limiting discharge of pollutants with stormwater runoff in accordance with the City's Stormwater Management Plan and federal and state statutes and permitting requirements for discharge of stormwater with construction and industrial activities.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

### **Street System**

Required initial street improvements include a 2-inch overlay of the portion of 18th Avenue North adjacent to the development, and future construction of 67th Street North to the similar standard as 18th Avenue North including design to rural section in accordance with AASHTO standards. Section shall include geotextile, 15-inch thickness crushed gravel and 5-inch thickness asphalt cement concrete and the width of pavement shall be 36 feet. The Applicant shall stripe and mark bicycle lanes, and install route signage along 52nd Street North, 18th Avenue North and 67th Street North, when final overlays of these individual roadways are complete. All rail crossings of public rights-of-way should include full signalization, including safe and controlled crossings for bicyclists and pedestrians. If the developer does not install cross-arms immediately upon installation of the road crossing of the rail spur, the developer shall agree to pay the full cost of installation when daily trains generated by the subdivision require their installation.

In addition to the public street improvements mentioned above, additional public infrastructure may be necessary to serve the different types of development that may occur on each individual lot. These improvements will be identified as part of an SPMP or building permit application. As part of the SPMP process, the developer will be required to provide information on traffic generation. The developer of each lot will also be required to design and install any public and private infrastructure identified in the SPMP.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

### **Traffic Analysis**

Vehicular access to the proposed lots would be from 18th Avenue North (a partially improved annexed City roadway) and 67th Street North (a gravel roadway under the jurisdiction of Cascade County). Arterial access to the property would be from 57th Street North/River Drive North, via 52nd Street North.

18th Avenue North ends on the east at 67th Street North, and continues to the west as an unpaved, gravel section.

Near the western end of the subject property, 18th Avenue North connects to paved 52nd Street North, providing paved access to River Drive North near its transition into 57th Street North. 67th Street North extends south as an unimproved, unmaintained roadway, serving only adjoining agricultural uses and as non-public, restricted access to a former gate at Malmstrom Air Force Base. It does not function as an open, public route. North of 18th Avenue North, 67th Street North is a semi-improved gravel roadway currently serving agricultural, recreational and tourist traffic. It connects at the north end of the proposed development to Giant Springs Road, a section of road in generally poor condition but serving important tourist and recreation destinations along the Giant Springs Road.

All internal roadways to the subdivision are proposed to be private drives, each serving individual parcels. No common roadways or cross-property access easements are proposed.

A rail line owned by Burlington Northern Santa Fe (BNSF) lies to the south and west of the property. A railroad spur owned by the Federal government connects to the power plant for Malmstrom Air Force Base, and is south of the proposed Advanced Bio-fuels property. Privately owned spur lines are proposed on each lot. Ownership of the common line serving the collective lots are being worked out by the Applicant. Two new vehicular rail crossings are proposed, with one existing rail crossing on 52nd Street North.

No bicycle or pedestrian facilities lead to the site, although the wide shoulder of 18th Avenue North is utilized by bicyclists as a connection to River's Edge Trail near the northern terminus of 67th Street North.

### Daily Vehicle Trip Generation Calculation

Proposed land use: "Industrial Park" (Land Use 130, ITE Trip Generation, 7th edition, 2003). This land use is defined as providing "...a mix of manufacturing, service and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities – some with a large number of small businesses and others with one or two dominant industries."

The ITE manual notes that truck trips accounted for 1-22% of weekday traffic at the sites surveyed, with an average of approximately 8 percent. With 43 sites studied, the data appears to be useful for comparison to the proposed development.

While the most accurate comparison figure would be number of employees or gross floor area, the only comparable figure provided by the applicant is "acres". However, the relevant studies average a weekday trip rate per acre of 63.11 trips. With nearly 200 acres in the proposed development, this is obviously not a relevant, statistic as it is likely applicable to smaller lot developments of higher density.

Assuming a "best guess" average employment figure of 40 employees per lot appears to provide a more likely trip generation figure. Using this figure, trips can be estimated as follows:

Average daily trip rate (weekday): 3.34 trips ends per employee (ITE Manual)

Daily trip generation: 40 employees x 3.34 average daily trips ends/room = 134 trips per day per developed lot

If all **ten** lots are developed, this equates to 1,340 trips per day. If only **eight** lots are developed, this equals 1,072 trips per day. Rounding this figure, a **"best estimate" of projected traffic might be 1,100 trips per day, of which 88 might be trucks.**

### Non-Motorized Trips

While improvements to 67th Street North may attract additional bicycle trips, the development itself is not anticipated to generate much bicycle or pedestrian traffic, due to the distance from residential areas as well as the general nature of the proposed uses. However, the nearness of River's Edge Trail may be an attractive feature to employees, and safe connections may be pursued by site developers, if desired.

### Daily Train Car Estimates

The frequency and size of train traffic is unknown. However, if development occurs as the Applicant has projected, multiple trains per day can be expected. This could have an impact on "upstream" tracks (between the de-

velopment and the train yard) through increased delays at pedestrian and vehicular crossings, increased frequency of train whistles, and increased general train noise experienced by adjoining properties.

### **Trip Distribution**

The majority of traffic generated by the development is expected to travel 18th Avenue North between 52nd Street and 67th Street North; 67th Street North north of 18th Avenue North; and, 52nd Street North. Very little traffic generated by the development is expected to travel 18th Avenue North, west of 52nd Street North, due to the gravel roadway surface.

Due to the nature of the traffic and surrounding roadways, 95% or more of the traffic generated is expected to travel the paved portion of 18th Avenue North and 52nd Street North, and be dispersed fairly evenly east and west along River Drive North. Only around 5% is anticipated to travel 67th Street North and Giant Springs Road and west of 52nd Street North on 18th Avenue North.

### **Traffic Conclusion/Recommendations**

Although limited information is available on proposed uses, there appears to be adequate capacity (i.e., number of lanes and lane widths) on the area roadways and intersections to accommodate the projected additional traffic, if development is relatively moderate in scale and intensity. However, roads must be improved to accommodate the heavy truck traffic that would be expected to serve the subdivision.

The following transportation recommendations should be conditions of annexation and development:

Rail Crossings. Conflict between trains and vehicles is always a safety concern. All rail crossings of public rights-of-way should include full signalization, including safe and controlled crossings for bicyclists and pedestrians. If the Applicant does not install cross-arms immediately upon installation of the road crossings of the rail spur, the Applicant shall agree to pay the full cost of installation when daily trains generated by the subdivision require their installation. Any new rail crossings shall be in the form of an easement across public right-of-way, or other instrument acceptable to the City of Great Falls, and no financial obligation relating to the easement (construction, preparation of documents, recording, etc.) shall be due or provided by the City of Great Falls. Maintenance of the crossings shall also be the full responsibility of the rail line owner.

Trains shall be prohibited from stopping on 18th Avenue North and 52nd Street North, and adequate on-site track distances shall be required of the development. Such distances can be reviewed during the SPMP process, and made a condition of approval of the same.

67th Street North. When Lot 7, 8, 9 or 10 is developed, 67th Street North shall be paved and improved by the Applicant or at the Applicant's cost to a standard approved by the City of Great Falls Public Works Department.

18th Avenue North. 18th Avenue North shall be upgraded to sustain heavy truck traffic as development occurs, to a standard approved by the City of Great Falls Public Works Department. 18th Avenue North also appears to be in need of drainage improvements, which should be addressed at the same time as the overlay. This should be addressed early in the schedule of development of the lots, as the developments will increase area runoff.

Traffic Impact Studies. Because future traffic generated by the subdivision is dependent upon the actual businesses and site developments, it is not possible to predict the majority of roadway or traffic control improvements that may be needed. Therefore, traffic impact studies or analyses shall be a condition of all site development review, provided by the developer of each lot. Any transportation improvements identified in the analyses shall be installed by, or the cost borne by, the site developer.

Bicycle/Pedestrian Facilities. In lieu of development of separated facilities for bicyclists and pedestrians, the Applicant shall stripe and mark bicycle lanes, and install route signage, along 52nd Street North, 18th Avenue North and 67th Street North, when final overlays are complete. All striping and signage shall be reviewed by the City of Great Falls before installation. Site developers will be encouraged to provide for safe movement of pedestrians on-site.

Roadway Lighting. Street lights may be considered for safety and security, but shall be designed as to have no impact upon the adjoining State Park and approved by the City before installation.

Truck Traffic. While little traffic generated by the subdivision is expected to travel Giant Springs Road, the design of driveways and directional signage should discourage travel (especially truck travel) through the State Park. Each lot shall have adequate turn-around room for all anticipated traffic, which shall be reviewed at the time of site development. Applicant is encouraged to construct a turnaround at the eastern end of the subdivision to help trucks safely return to River Drive North. In addition, the City of Great Falls and Applicant should work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67th Street North.

## Project Summary

### **Annexation**

The Applicant is requesting the City of Great Falls annex a tract of land located in GLO Lots 8 and 9, in the SE 1/4 and SW 1/4 of S34, T21N, R4E, Cascade County, Montana. The subject property consists of  $\pm 196.549$  acres and the Applicant proposes to establish AGRI-TECH PARK as a rail-served heavy industrial park with an emphasis on value-added processing of agricultural products. Included in the subject property is the abutting portions of 67th Street North, comprised of  $\pm 2.865$  acres. Per MCA, this right-of-way must also be annexed as a part of the request.

### **Zoning**

The subject property, upon annexation is proposed, by Staff, to be zoned I-2 Heavy Industrial on Lots 1-8 west of 67th Street North and POS Parks and Open Space on Lots 9 and 10 east of 67th Street North. The Applicant is requesting the entire property be zoned I-2 Heavy Industrial without limits on land use.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and establishing municipal zoning on land. Zoning regulations must:

- Be designed in accordance with the growth policy (comprehensive plan);
- Secure safety from fire and other dangers;
- Promote public health, public safety and the general welfare;
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- Provide adequate light and air;
- Consider the effect on motorized and non-motorized transportation systems;
- Promote compatible urban growth;
- Give reasonable consideration to the character of the district;
- Give reasonable consideration to the peculiar suitability for particular uses;
- Conserve the value of buildings; and
- Encourage the most appropriate use of land throughout the municipality.

Planning staff recommends zoning of I-2 (Heavy Industrial) on Lots 1-8 and zoning of POS (Parks and Open Space) on Lots 9-10, recognizing and generally conforming to Cascade County zoning designations. In order to comply with the requirements of MCA, listed above, and promote public health, public safety and the general welfare, and give reasonable consideration to the peculiar suitability for particular uses, staff is also recommending to prohibit certain land uses that would typically be permitted in the I-2 (Heavy Industrial) zoning district as a condition of approval. The prohibited uses are incompatible with the geographical location of the subject property and surrounding properties. Prohibited uses are:

- Fuel Tank Farm
- Freight Terminal

- Helipad
- Junkyard
- Motor Vehicle Graveyard
- Telecommunications and Utility Uses

Staff concludes the above-cited MCA criteria are substantially met subject to the property being zoned as outlined above (Lots 1-8 as I-2 and Lots 9-10 as POS) with conditions of approval.

### **Major Subdivision Request**

The Applicant is requesting the Preliminary Plat of AGRI-TECH PARK ADDITION which consists of ±196.549 acres to be subdivided into 10 rail-served industrial lots. (See Findings of Fact)

### Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

#### **PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** The subject property is currently being utilized for dry land crop production. Annexation zoning and subdivision of the subject property will take the property west of 67th Street North out of agricultural production. No effects on agricultural water user facilities have been identified for this project. The subdivider does not anticipate any impacts to the downstream irrigation water users with this subdivision.

#### **Effect on Local Services:**

Water/Sewer - Access to municipal infrastructure and public services is available in the vicinity of the subject property. The Applicant has already constructed a portion of the required 16-inch water main and submitted plans for sewer mains to the Department of Public Works. The construction of this infrastructure is being done at the Applicant's risk. The City will be required to maintain new sewer and water infrastructure as a part of this application. Public Works has recommended conditions requiring that infrastructure for each lot be reviewed as a part of the SPMP process to ensure the infrastructure meets the demands and requirements for each specific development.

Streets - The Applicant is required to provide a 2-inch overlay of 18th Avenue North within 2 years of annexation and required to bring 67th Avenue North to similar standard as 18th Avenue North at such time as development is proposed on any of the lots adjacent to 67th Street North. The Applicant is not required to provide the standard curb and gutter as a part of this application. The City will ultimately be responsible to maintain the portion of 67th Street North being annexed as a part of this application.

Stormwater - The City Engineer is requiring the development to restrict off-site flows to predevelopment levels by developing retaining and detaining systems on each lot, which will be reviewed by the City's Public Works Department. In addition, the Applicant will be responsible as a condition of the subdivision to mitigate all downstream impacts caused by the development.

Police/Fire - The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ±3.2 miles from the subdivision site. The Applicant is working with the Fire Department to update a Memorandum of Understanding related to law enforcement and fire protection services related to the subdivision. Providing these services to the proposed development will be an increased cost to the City.

Increased tax revenues from improved properties may cover these increased costs. (See Exhibit G - Fire Chief Memo)

Parks/Trails - Per Montana Code Annotated 76-21-621(3)(b), park dedication is not required for subdivisions into parcels that are all nonresidential, therefore no parkland or payment in lieu of parkland is required. River's Edge Trail and Giant Springs State Park are in close proximity to the subject property. The Applicant shall mitigate any adverse impacts to these parks/trails.



**Effect on the Natural Environment:** The Applicant has not provided enough information related to soils or the water quality or quantity of surface or ground water for staff to be sure there are no adverse effects to said features. As a condition of approval, the Applicant will be required to submit a professional study to determine if the proposed stormwater retention ponds and other drainage measures will have any impacts on the subsurface water table, and potentially the existing overlooks and drainages on surrounding properties. The subdivision is located in close proximity to the Missouri River, River's Edge Trail and Lewis and Clark and Rainbow Dam Overlooks and Lots 1 and 8 are of particular concern due to their prominence above these features.

The Applicant is proposing a buffer for Lot 1, but has not proposed any mitigation techniques for Lot 8. Because the project is speculative, staff must consider the effects on the natural environment at such time as actual development occurs on each lot. Therefore, a condition of approval will be that the developer of each lot go through the SPMP process and mitigate negative impacts to the natural environment.

**Effect on Wildlife and Wildlife Habitat:** The historical use of the property for agricultural purposes has limited the potential for development of significant areas of mature vegetation. No known endangered species or critical game ranges have been identified on the proposed subdivision. The subdivision is located close to the Missouri River in an area that is habitat for a large number of resident and migrating bird species. The Department of Fish, Wildlife & Parks has identified potential impacts including concerns for stormwater controls, noise, light, motor vehicle traffic, litter and visual impacts that the subdivision may cause to the adjacent State Park and associated wildlife and wildlife habitat. The Applicant will be required to, as a part of the SPMP process, provide a professional study to determine effects of and mitigation techniques for the proposed development to the adjacent State Park.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high-pressure gas lines, high traffic volumes, or mining activity. The subdivision does have high voltage power lines that run from the southeast corner to the northeast corner of the site. The Applicant will be required to demonstrate the necessary easements and proper safety measures to ensure the public health and safety from this hazard.

#### **REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS**

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

#### **EASEMENT FOR UTILITIES**

The Applicant is to provide necessary utility easements to accommodate water mains, sanitary sewer mains, railroad, stormwater drainage and conveyances and private utilities to serve all lots in the subdivision.

#### **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision is provided by 18th Avenue North and 67th Street North. 18th Avenue North is public right-of-way maintained by the City of Great Falls. 67th Street North is being annexed as a part of this Application and will be dedicated and improved to provide access to each lot adjacent to 67th Street North.

### 2005 City of Great Falls Growth Policy:

The area of River Drive North between 38th Street North and 57th Street North contains a mix of industrial development, some in the City and some in the County, zoned I-2 (Heavy Industrial). The subject property and the adjacent undeveloped Advanced Bio-fuels property are located north and east of this area at the very edge of the city and are currently used for dry-land farming.

The Environmental Element of the Growth Policy addresses air quality, water quality and environmental issues. Goals include:

- Maintain and improve the quality of the area's air and water, even as the community grows.
- Preserve open spaces of significant scenic, interpretive, recreational or educational value.
- Protect from development lands that are subject to environmental constraints to the extent that the development may imperil life and property.

Goals of the Economic Element of the Growth Policy include:

- Enhance, strengthen, and expand the economic base.
- Attract new businesses and support expansion of existing businesses that tend to raise the minimum income level.
- Attract industries that preserve the quality of life.
- Encourage businesses and industries that will utilize existing infrastructure.

The Land Use Element of the Growth Policy identifies the "area in and near North Park Addition and east of Source Giant Springs" as land available for industrial growth and that isolated industrial locations should be avoided in favor of new firms locating in existing industrial areas or in new industrial parks.

Goals include:

- Support and encourage efficient, sustainable development and redevelopment throughout the community.
- Preserve, as appropriate, open space, prime agricultural lands, environmentally sensitive lands, scenic vistas, and the character and qualities of such lands.

Therefore, infill development or the development of industrial parks is preferred to isolated new industrial sites so long as lands that are subject to environmental constraints are protected, quality of life is protected, and environmentally sensitive lands and scenic vistas are preserved.

### 2004 Missouri River Urban Corridor Plan:

While the specific project area for the Missouri River Urban Corridor Plan generally is Park Island to just east of the Black Eagle Dam, the "guiding principles" of the plan are key and should be considered particularly in the context of potential impacts on Whitmore Ravine:

- From the standpoint of river dynamics, no riverside development or stream bank treatment will prevent the Missouri River from safely passing flood stage flows, nor will permanent development be allowed that will be damaged by those flows.
- Land and water based recreational values and opportunities associated with the river will be created, preserved and enhanced, including public access to the river.
- This Corridor Plan will promote beneficial, sustainable, economic development that utilizes the river as an amenity while preserving and enhancing its ecological integrity and asset values. Specifically, water quality, natural shoreline vegetation, and wetlands will be restored, enhanced or protected, and the environmental health of the river will not be compromised by development.
- Major through transportation facilities in the river corridor are discouraged. Alternative routing of such facilities already in the corridor through responsible urban area transportation is encouraged.

### Neighborhood Council Input

The Great Falls Development Authority gave a presentation to Neighborhood Council #4 on August 25, 2011. There were no comments from Council 4 at that time. Patty Cadwell, Neighborhood and Youth Council Coordinator, provided updated application information to Council #4 on June 27, 2012. At the time the staff report was written there were no comments from Neighborhood Council #4 related to the application.

### Other Public Input

Over time, the Planning and Community Department has fielded questions about this proposed project from various environmental, recreational and preservation groups as well as concerned individual citizens. While some concerns were expressed in face-to-face meetings or in telephone calls, the department has received written comments. Letters and emails on file are included as Exhibit J - Written Public Comments.

## Recommendations

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. The Zoning Commission has the responsibility to review and make recommendations on zoning requests. As such, each of the three recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

### **Recommendation I:**

It is recommended the Planning Advisory Board recommend the City Commission approve annexation of AGRI-TECH PARK ADDITION, a tract of land located in GLO Lots 8 & 9, the SE 1/4 and SW 1/4 of Section 34, Township 21 North, Range 4 East, Cascade County, Montana containing ±196.549 acres, subject to the conditions of approval being fulfilled by the Applicant.

### **Recommendation II:**

It is recommended the Zoning Commission recommend the City Commission approve establishing a City zoning classification of I-2 Heavy Industrial district to Lots 1-8 and POS Parks and Open Space to Lots 9-10 AGRI-TECH PARK ADDITION upon annexation, subject to the Planning Advisory Board adopting Recommendation I (above) and the conditions of approval being fulfilled by the Applicant.

### **Recommendation III:**

It is recommended that the Planning Advisory Board recommend the City Commission approve the Preliminary Plat of AGRI-TECH PARK ADDITION and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II (above) and the following conditions of approval being fulfilled by the Applicant.

## Conditions of Approval

1. The final plat of AGRI-TECH PARK ADDITION shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings and specifications for the required public improvements to serve AGRI-TECH PARK ADDITION shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
3. An annexation agreement shall be prepared containing terms and conditions for annexation including, but not limited to, agreement by the Applicant to:
  - Agree to develop a rail-served heavy industrial subdivision; and,
  - Pay all applicable fees owed as a condition of plat or annexation approval upon final platting and annexation of AGRI-TECH PARK ADDITION; and,
  - Assign I-2 Heavy Industrial zoning district to Lots 1-8 per the Official City Code of the City of Great Fall except that Fuel Tank Farms, Freight Terminals, Helipads, Junkyards, Motor Vehicle Graveyards and Telecommunications and Utility Uses will be prohibited uses; and,
  - Assign POS Parks and Open Space zoning district to Lots 9 and 10 (except Agriculture use will be permitted to continue) with the option to request to rezone said lots at such time as Lots 1-8 are substantially developed and a permanent solution to solve the Whitmore Ravine situation is in place and development plans for Lots 9 and 10 are submitted to and approved by applicable departments; and,
  - Buyers or prospective buyers of lots shall comply with the Specific Parcel Master Plan (SPMP) process. Planning Advisory Board shall make recommendation and City Commission shall approve or deny an SPMP. Submittals shall including, but not be limited to a conceptual site plan, building elevations, engineering plans (water system, wastewater system, street and stormwater plans) and a reasonable mitigation plan to address adverse impacts; and,
  - Agree to not place or erect any structure or improvement and or infrastructure upon a lot within the Subdivision, or attempt to further subdivide the area defined by said Subdivision until plans for the necessary infrastructure have been reviewed and approved by City's Public Works Department; and,

- Agree to not place or erect any structure requiring water or sewer on Lots 7, 8 9 or 10 or attempt to further subdivide said lots until 67th Street North is improved per the approved drawings referenced in Condition 2 above; and,
- Install, within two years of the date of annexation, the water and sewer main extension for Lots 1-4 of the subdivision as referenced in Condition 2) above; and,
- Agree to develop and construct a lift station to applicable standards before development occurs on Lots 5-8; and,
- Install, within two years of the date of annexation, roadway improvements including, but not limited a 2-inch asphalt overlay on 18th Avenue North and any drainage improvements. Improve 67th Street North including a geotextile, 15-inch thickness crushed gravel and 5-inch thickness asphalt cement concrete. The width of pavement shall be 36 feet prior to Lots 7-10 being developed; and,
- Agree to provide traffic impact studies or analysis, as necessary, for each lot as a part of the SPMP process; and,
- Agree that each lot shall have adequate turn-around room for all anticipated traffic, which shall be reviewed at the time of site development. Applicant shall construct a turnaround at the eastern end of the subdivision to help trucks safely return to River Drive North. In addition, the City of Great Falls and Applicant shall work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67th Street North; and,
- Provide required bicycle lanes on 18th Avenue North and 67th Street North as these roadways are improved; and,
- Install, within two years of the date of annexation, rail line improvements to the eastern boundary of Lot 1 and further, install all of the rail line improvements to serve lots 5-8 before building permits will be issued for said Lots; and,
- Prepare and adhere to a professional study to determine if the proposed stormwater retention ponds and other drainage measures will have any impacts on the subsurface water table, and potentially the existing overlooks and drainages on surrounding properties. The study should include the impact of the water from the proposed stormwater systems flowing through the adjacent Fish, Wildlife and Parks property and Whitmore Ravine and how it will impact erodible soils in the existing coulees that are proposed for use of overflow stormwater drainage; and,
- Prepare plans and design reports, and construct improvements in accordance with the City's Storm Drain Design Manual, which does not obligate the City to any improvement or maintenance responsibilities, prior to the development of each Lot; and,
- Work with Public Works Department to develop a maximum allowable discharge rate from Subdivision to flow into existing City sewer; and,
- Provide to City, prior to Owner receiving service from said infrastructure, reasonable appropriate easements to accommodate said infrastructure to serve Subdivision; and,
- Provide City with a copy of all easement agreements between Owner and adjacent property owners for all utility easements necessary to install improvements, including rail service, sanitary sewer mains, water mains and storm drainage easements to serve Subdivision prior to approval of the final plat of Subdivision; and,
- Agree all rail crossings of public rights-of-way should include full signalization, including safe and controlled crossings for bicyclists and pedestrians. If the Applicant does not install cross-arms immediately upon installation of the road crossings of the rail spur, the Applicant shall agree to pay the full cost of installation when daily trains generated by the subdivision require their installation. Any new rail crossings shall be in the form of an easement across public right-of-way, or other instrument acceptable to the City of Great Falls, and no financial obligation relating to the easement (construction, preparation of documents, recording, etc.) shall be due or provided by the City of Great Falls. Maintenance of the crossings shall also be the full responsibility of the rail line owner.
- Agree that it is the Owner's responsibility to maintain railroad crossings and easements which cross 18th Avenue North and 67th Street North and further agree that the City will have no maintenance responsibility related to any railroad crossings necessary for rail to serve Subdivision; and,
- Indemnify, hold harmless and defend the City of Great Falls against all claims related to adverse soil or groundwater conditions on the owner's property in the Subdivision; and,
- City shall support application for creation of Tax Increment Financing district on subject property and Advanced Bio-fuels property.

Next Steps

1. The Planning Advisory Board and Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Annexation and Rezoning.
3. If approved, the Applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood & Youth Council Coordinator  
Randall McCamley, Fire Chief  
Susan Conell, Cascade County, [sconell@casadecountymt.gov](mailto:sconell@casadecountymt.gov)  
Great Falls Development Authority, Brett Doney, [bdoney@gfdevelopment.org](mailto:bdoney@gfdevelopment.org)  
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