



**Item:** Ordinance 3092 to assign City Zoning to Lot 1AA, Block 1, Great Falls Industrial Park Section 2, owned by Shumaker Trucking and Excavating generally located east of US Highway 87 north of previously vacated 34<sup>th</sup> Avenue Northeast alignment

**From:** Jana Cooper, RLA, Planner II, Planning and Community Development

**Initiated By:** Eugene Shumaker, Shumaker Trucking and Excavating

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

**Action Requested:** City Commission accept Ordinance 3092 on first reading and set a public hearing for August 7, 2012.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3092 on first reading and set a public hearing for August 7, 2012.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

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**Recommendation:** At the conclusion of a public hearing held June 12, 2012, the Planning Advisory Board conditionally approved the annexation of Lot 1AA, Block 1, Great Falls Industrial Park Section 2, and the Zoning Commission approved assigning a zoning classification of I-2 Heavy Industrial district to the property upon annexation to the City. Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the Great Falls Tribune on May 27, 2012. Staff recommends approval of the proposed annexation and zoning of ±1.79 acres of unincorporated land located in the NW1/4 of Section 31, T21N, R4E, P.M.M., Cascade County, MT.

**Background:** The applicant applied for annexation in July, 2011. The annexation application was tabled by the Planning Advisory Board/Zoning Commission on August 9, 2011 due to questions related to the amount of land proposed to be annexed. Staff’s position was that the proposed annexation area created problems of legal and emergency access to the property. The applicant’s position was that the proposed annexation area was sufficient. Since that time staff has worked with the applicant to develop a plan that is acceptable to both parties. The proposed annexation area is the result of that discussion.

The applicant is requesting the City of Great Falls annex Lot 1AA, Block 1 of the Great Falls Industrial Park Section 2. The subject property consists of ±1.79 acres and contains a washbay, which is connected to city water and sewer services and is used by Shumaker Trucking and Excavating to wash trucks and equipment used for their operations. According to the Official Code of the City of Great Falls (OCCGF), parcels located outside the city limits receiving city services are required to annex into the city per Title 13, Chapter 2.

The subject property proposed to be annexed (Lot 1AA, Block 1) has city water and sewer services. Craig Raymond, Building Official, inspected the property on June 30, 2011. A list of code violations within the existing washbay facility was created. The applicant has been working with the building department to correct the violations. At this time, the only outstanding issue is related to providing a sand/oil separator; the applicant is working with the Engineering Department to develop a strategy for discharging water, and will be required to meet all applicable codes related to this issue.

Subject to approval of the annexation, the property shall be zoned “I-2” Heavy Industrial District. Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

- (1) Zoning regulations must be:
  - (a) made in accordance with a growth policy; and
  - (b) designed to:
    - (i) secure safety from fire and other dangers;
    - (ii) promote public health, public safety, and the general welfare; and
    - (iii) facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.
- (2) In the adoption of zoning regulations, the municipal governing body shall consider:
  - (a) reasonable provision of adequate light and air;
  - (b) the effect on motorized and nonmotorized transportation systems;
  - (c) promotion of compatible urban growth;
  - (d) the character of the district and its peculiar suitability for particular uses; and
  - (e) conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The proposed zoning of the subject property recognizes and conforms to existing land uses on the subject property to be annexed and will not, without processing of separate applications, result in additional development. The proposed City zoning is consistent with County zoning designations. Therefore, staff concludes the above-cited criteria are substantially met.

Access to the subject property is from US Highway 87. No improvements to US Highway 87 will be required from the applicant. Internal roadways on the subject property are to be established and maintained by the owners of the property. The City is not obligated, as a part of this annexation, to improve streets in the subject area.

The requested annexation and zoning does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by

this request. However, while there is no increase in the amount of proposed traffic due to this application, there is an existing impact to the City street network due to the volume of truck traffic entering and leaving the site. In addition, the Planning Department has received an email from Great Falls Fire Rescue stating they are opposed to any incremental annexations of the same parcel property (sharing one address) into the City of Great Falls due to the inherent difficulties associated with proper identification of location for City first responders. The Planning Department agrees that this is not the preferred way to annex property, but has worked with the applicant to come to an agreement that is acceptable to the City and the applicant and that provides legal access to the subject property.

City water main exists from US Highway 87 along the southern boundary of Lot 1AA, Block 1 to provide water service to the on-site washbay. Upsizing a part of the existing water main will be required as a condition of annexation. City sewer main exists in the 19th Street Northeast alignment and there is a service line (force main) from 19th Street Northeast west to Lot 1AA, Block 1. Randy Rappe, the City's Environmental Compliance Technician, stated a concern regarding providing sewer to the project due to the EPA regulations of the sewer main in that location. As a condition of approval, the owner will be required to meet all required discharge standards per City Code and EPA regulations at owner's expense. The discharge will be monitored as needed by the City and EPA.

Annexation of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. The subject property is in an area experiencing industrial development both within and outside the City limits.

Goals of the economic element of the Great Falls Growth Policy include:

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

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

It is anticipated the City Commission, following the public hearing on August 7, 2012, will consider the resolution to annex and an annexation agreement for the Shumaker washbay site, simultaneously with Ordinance 3092.

**Concurrences:** Representatives from the City's Public Works, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project. Concerns of the Fire Department are outlined in a memo provided to the Planning and Community Development Department. Planning staff has worked with the applicant to develop a lot configuration acceptable to Planning and Community Development and Public Works. As a condition of approval the owner will work with Public Works to develop a discharge strategy.

**Fiscal Impact:** The annexation will marginally expand the fire and police service area, which will have a minimal fiscal impact on the City. The City should see a slight increase in tax revenues from the improvements on the property.

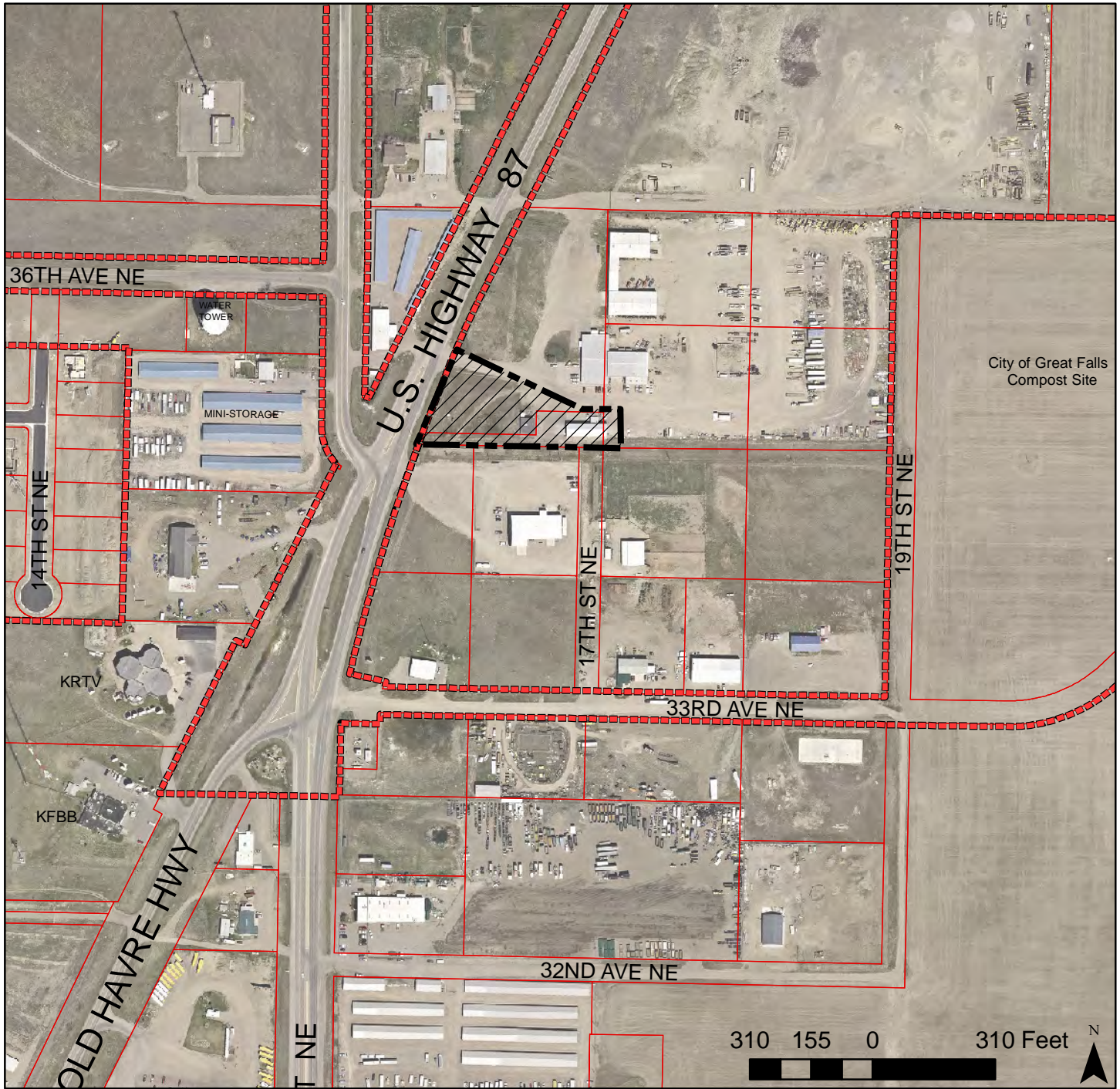
**Alternatives:** The City Commission could deny acceptance of Ordinance 3092 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**




- Aerial Photo
- Ordinance 3092 with Attachment A
- Reduced copy of Amended Plat
- Copy of Fire Chief Memo

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Fire Chief Randall McCamley  
Eugene Shumaker, Shumaker Trucking & Excavating, PO Box 1279, Great Falls, MT 59403  
Joe Aline, joe@Shumakert-e.com  
Spencer Woith, Woith Engineering , 1725 41st Street South, Great Falls, MT 59405

# Aerial Photo



Aerial Photo: May, 2009

-  Subject Property
-  City Limits
-  Tracts of Land

Shumaker Annexation



ORDINANCE 3092

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO LOT 1AA, BLOCK 1, GREAT FALLS INDUSTRIAL PARK SECTION 2, LOCATED IN THE NW1/4 OF SECTION 31, TOWNSHIP 21 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Shumaker Trucking & Excavating Company has petitioned the City of Great Falls to annex Lot 1AA, Block 1, Great Falls Industrial Park Section 2, located in the NW1/4 of Section 31, Township 21 North, Range 4 East, Cascade County Montana, herein referred to as Lot 1AA, and;

WHEREAS, Shumaker Trucking & Excavating Company has petitioned Lot 1AA 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 Lot 1AA was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of August, 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 of Lot 1AA, Block 1, Great Falls Industrial Park Section 2, located in the NW1/4 of Section 31, Township 21 North, Range 4 East, Cascade County Montana, be designated as I-2 Heavy industrial district classification attached hereto as Attachment "A" and by this reference made a part hereof.

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 Lot 1AA, Block 1, Great Falls Industrial Park Section 2, located in the NW1/4 of Section 31, Township 21 North, Range 4 East, Cascade County Montana, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading July 3, 2012.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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

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

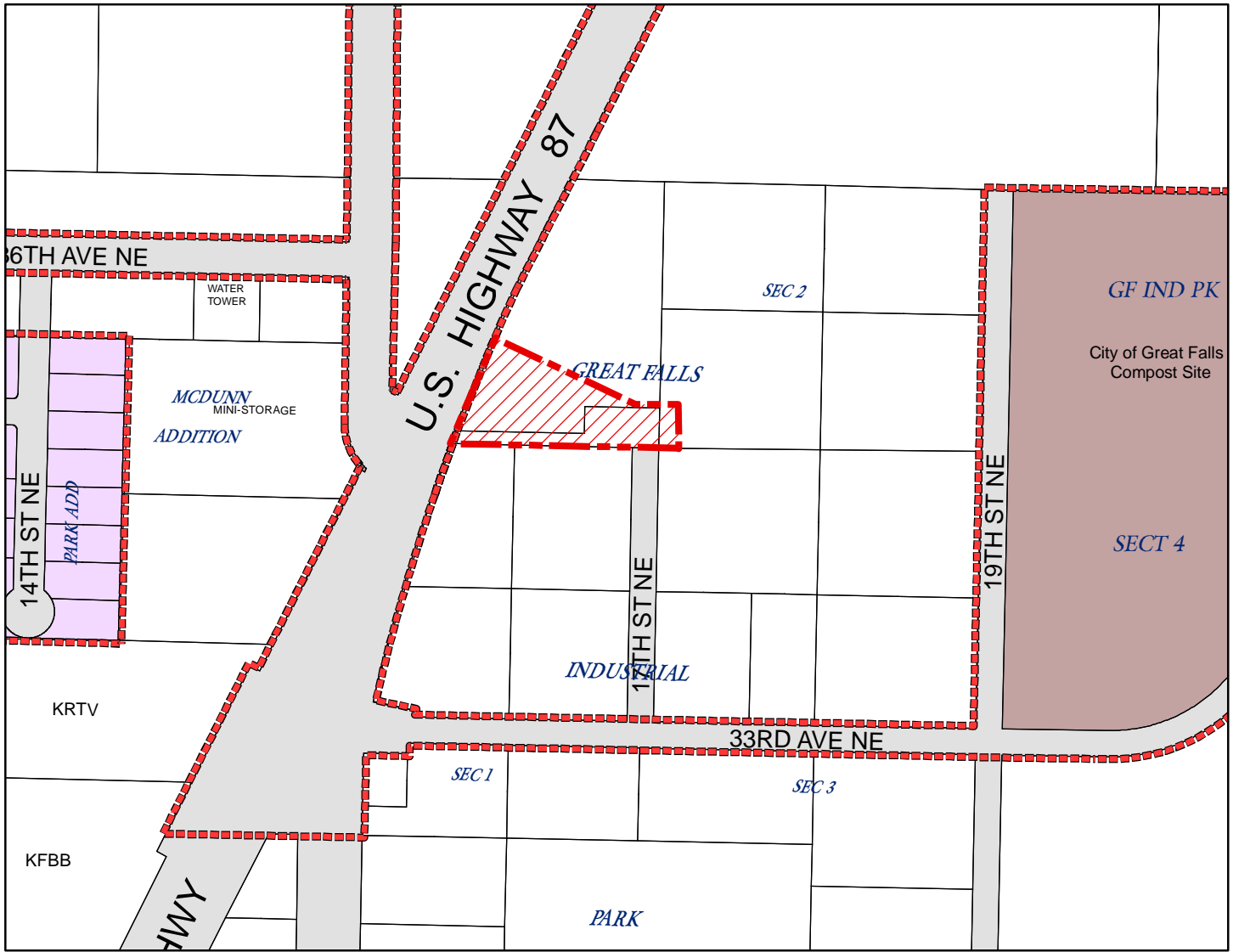
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3092 in three conspicuous places within the limits of said City to-wit:

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)

# Ordinance 3092 Attachment A



- |                             |                                |                                  |
|-----------------------------|--------------------------------|----------------------------------|
| City Limits                 | C-5 Central business periphery | R-2 Single-family medium density |
| Subject Property            | 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                   |
| C-3 Highway commercial      | PUD Planned unit development   |                                  |
| C-4 Central business core   | R-1 Single-family suburban     |                                  |



Shumaker Annexation

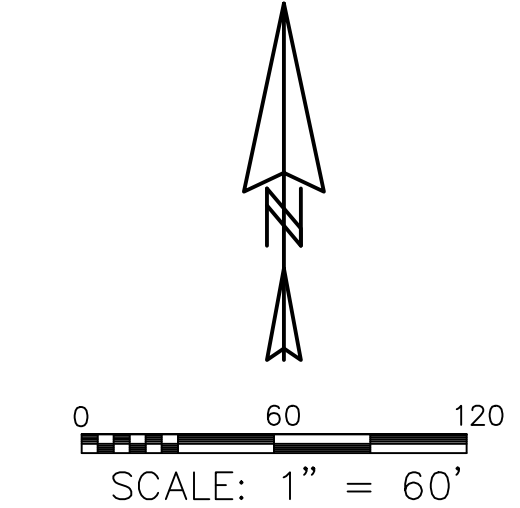


# AMENDED PLAT OF LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2

A RELOCATION OF COMMON BOUNDARIES IN  
A SUBDIVISION LOCATED WITHIN NW1/4, SECTION 31,  
T.21N., R.4E., P.M.MT., CASCADE COUNTY, MONTANA  
(INCLUDING VACATED PORTIONS OF 17TH ST. NE AND 34TH AVE. NE)

### LEGEND

- |  |                                 |  |                         |
|--|---------------------------------|--|-------------------------|
|  | FOUND SECTION CORNER            |  | PLAT BOUNDARY           |
|  | FOUND QUARTER CORNER            |  | NEW PROPERTY LINES      |
|  | SET 5/8" x 24" IRON PIN AND CAP |  | EXISTING PROPERTY LINES |
|  | FOUND IRON PIN AND CAP          |  | ABANDONED PROPERTY LINE |
|  | BLOCK NUMBER                    |  | VACATED STREET          |
|  | LOT NUMBER                      |  | SECTION LINE            |
|  | P.O.B. POINT OF BEGINNING       |  | STREET CENTER LINES     |
|  | R-O-W RIGHT OF WAY              |  |                         |

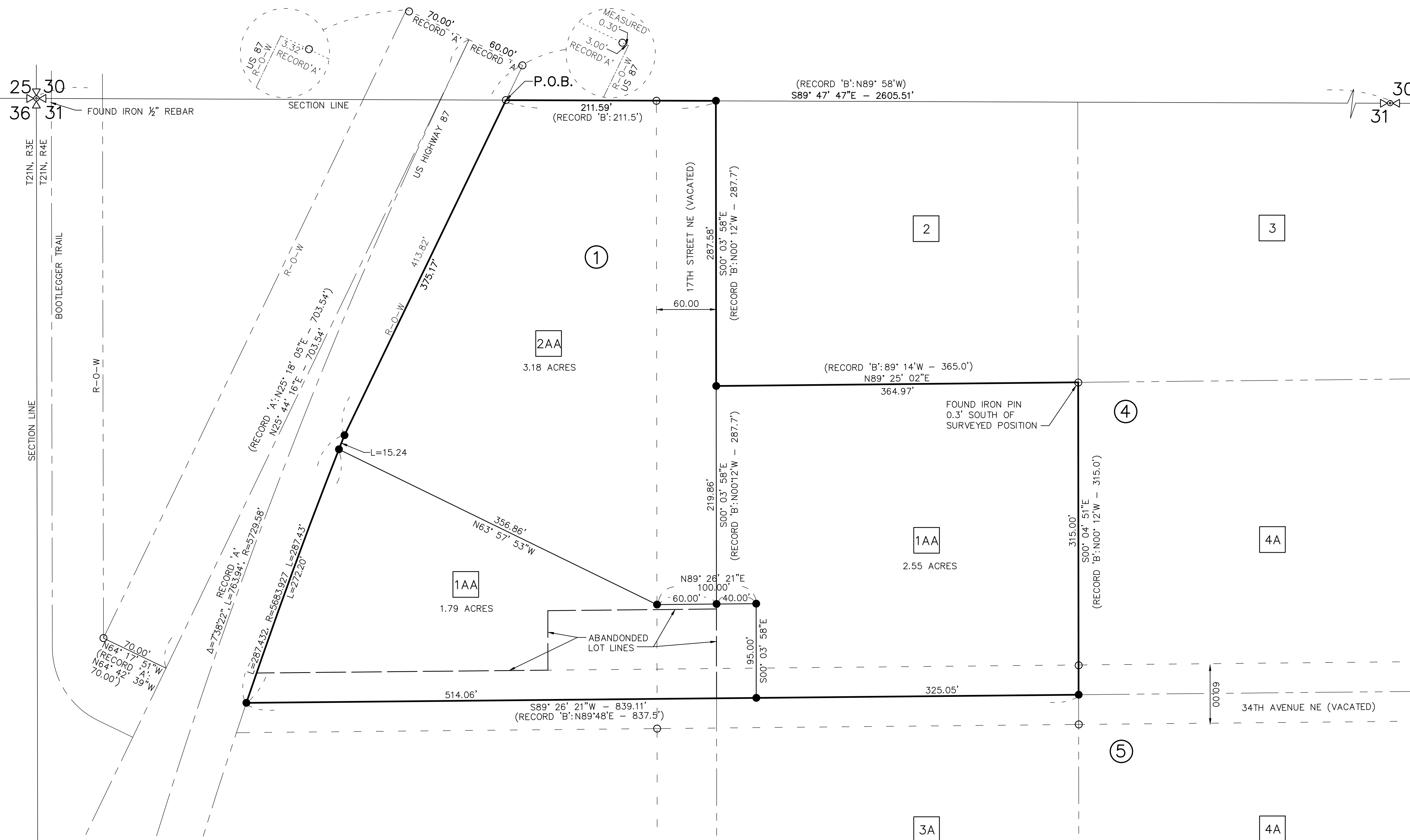
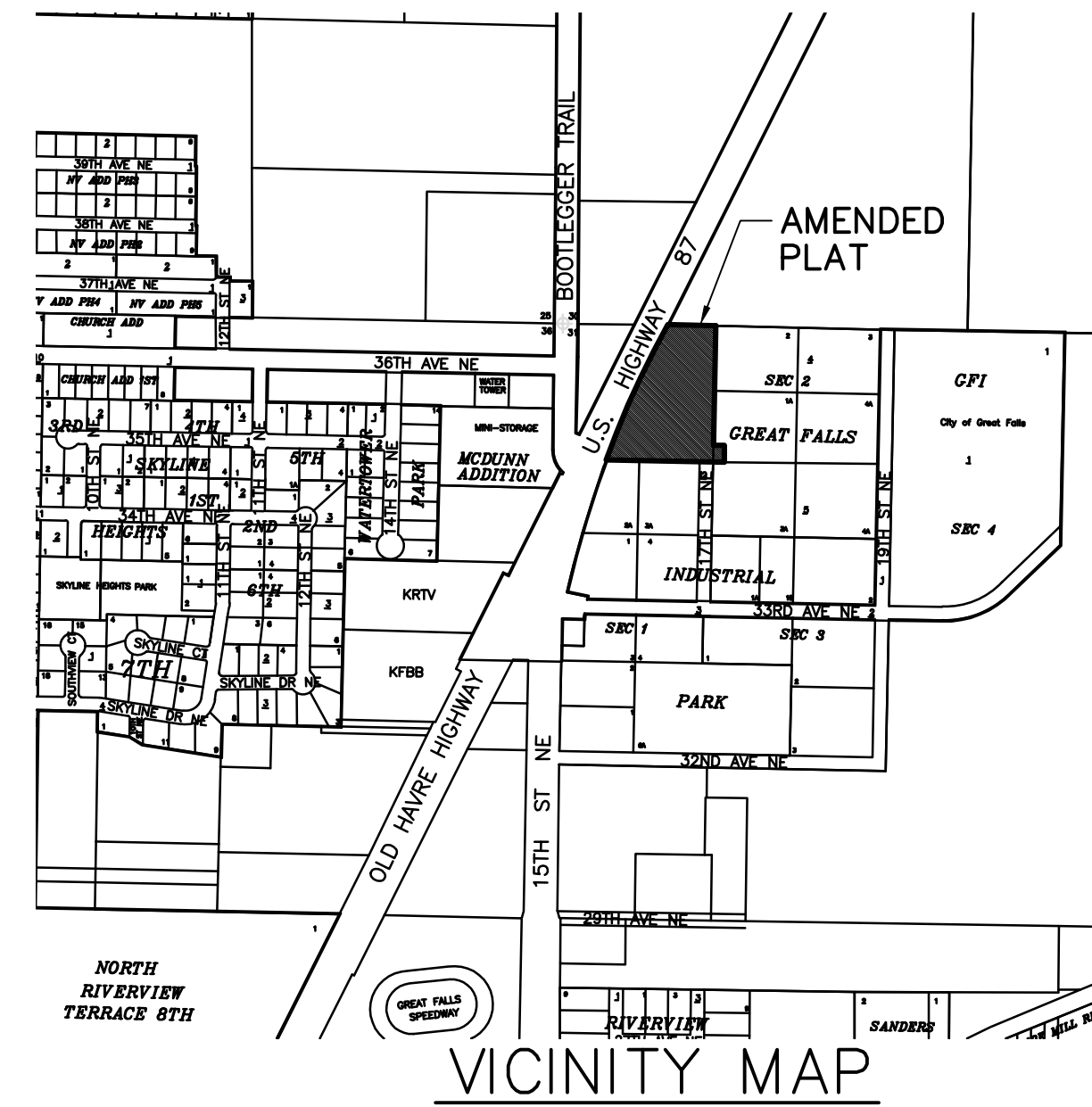


### BASIS OF BEARING

BASIS OF BEARING IS TRUE NORTH  
BASED ON GEODETIC INVERSES USING  
SURVEY GRADE G.P.S. SYSTEM.

### AREAS

TOTAL AREA 327,764.68 SQ. FT. = 7.52 ACRES



### PURPOSE

The purpose of this Amended Plat is to relocate the common boundary lines between adjoining properties in a platted subdivision located in the NW1/4, Section 31, T21N, R4E, P.M., MT, Cascade County, Montana.

### CERTIFICATE OF SURVEY

I, the undersigned property owner, do hereby certify that I have caused to be surveyed, the tracts of land in the NW 1/4, Section 31, T21N, R4E, P.M., MT, Cascade County, Montana, as shown by this AMENDED PLAT OF LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2, Cascade County, Montana and more fully described as follows:

Beginning at the northwest corner of Block 1 of the Amended Plat of Lots 1 and 2, Block 1 and Lots 1 and 4, Block 4 of the Great Falls Industrial Park Section 2 and Lots 3 and 4, Block 5 of the Amended Plat of Lots 3 and 4, Block 5 of the Great Falls Industrial Park Section 2, as filed in the office of the Clerk and Recorder of Cascade County, Montana, said point being the intersection of the easterly Right of Way line of U.S. Highway 87 and the north boundary of Section 31, T21N, R4E, P.M., MT; thence S89° 47' 47" E, 211.59 feet along said north boundary of Section 31 to a point; thence S00° 03' 58" E, 287.88 feet to a point; thence N89° 25' 02" E, 364.97 feet to a point; thence S00° 04' 51" E, 315.00 feet to a point; thence S89° 26' 21" W, 869.11 feet to a point on the easterly Right of Way line of U.S. Highway 87; thence northeasterly 287.43 feet along a circular curve to the right of radius 5669.58 feet to a point; thence N25° 44' 16" E, 375.17 feet; the previous two courses being along the said easterly Right of Way line of U.S. Highway 87 and thus to the Point of Beginning, containing 7.52 acres.

The above described tract of land is to be known and designated as the Amended Plat of LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2, Cascade County, Montana.

I hereby certify that this relocation of common boundaries is exempt from review as a subdivision in accordance with 76-3-207(1)(d) MCA.  
"...for five or fewer lots within a platted subdivision, the relocation of common boundaries..."

I further certify that this relocation of common boundaries is exempt from review by the Department of Environmental Quality pursuant with 76-4-125(2)(c) MCA. Review of subdivision application - land divisions excluded from review.  
(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:  
(c) divisions made for purposes other than the construction of water supply or sewage and solid waste disposal facilities as the department specifies by rule;

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2012

C. EUGENE SHUMAKER

STATE OF MONTANA )  
County of Cascade ) :SS

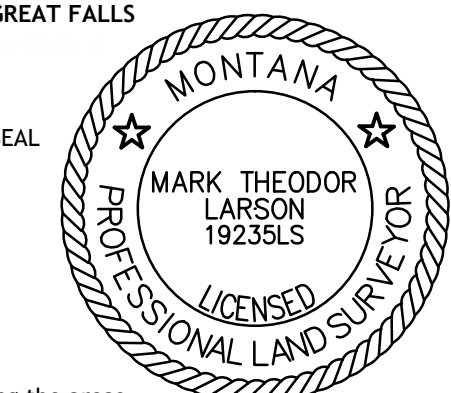
On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me, a Notary public, in and for the State of Montana, personally appeared C. EUGENE SHUMAKER, known to me to be the persons who executed the foregoing Certificate of Survey and acknowledged to me that he executed the same.

SEAL

NOTARY PUBLIC, State of Montana  
(PRINTED NAME OF NOTARY PUBLIC)  
RESIDING AT: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

### CERTIFICATE OF SURVEYOR

I, MARK THEODOR LARSON, Professional Land Surveyor, Montana Professional Land Surveyor License Number 19235, do hereby certify that in January, 2012, I supervised the survey of the tract of land in the NW 1/4 Section 31, T21N, R4E, P.M., MT, Cascade County, Montana, as shown on the accompanying Amended Plat of LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2, Cascade County, Montana and



MARK THEODOR LARSON, PLS  
Montana Professional Land Surveyor License Number 19235

### CERTIFICATE OF COUNTY TREASURER

I, JAMIE BAILEY, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying Amended Plat of LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2, Cascade County, Montana and find that the taxes on the same have been paid for the last five years. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

JAMIE BAILEY, Cascade County Treasurer

RECORD 'A' - CERTIFICATE OF SURVEY #4405, CASCADE COUNTY

RECORD 'B' - THE AMENDED PLAT OF LOTS 1 AND 2, BLOCK 1 AND LOTS 1 AND 4, BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2 AND LOTS 3 AND 4, BLOCK 5 OF THE AMENDED PLAT OF LOTS 3 AND 4, BLOCK 5 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2 IN THE NW 1/4, SECTION 31, T 21N, R4E, P.M.M., CASCADE COUNTY, MONTANA

NOTE:  
IT IS NOT THE INTENT OF THIS AMENDED PLAT TO IDENTIFY ALL EASEMENTS OF RECORD. THERE MAY BE EXISTING EASEMENTS WHICH ARE NOT SHOWN ON THIS AMENDED PLAT.

**WOITH ENGINEERING, INC.**  
ENGINEERS & SURVEYORS  
P.O. BOX 7326, GREAT FALLS, MONTANA 59406

JOB NO.: 1118  
F.B.N.O.: G.P.S.  
FILE: SHUMAKER APAT  
DRAWN: G.C.  
DATE: 5-12



# GREAT FALLS FIRE RESCUE

105 9th Street South  
Great Falls, MT 59401

Phone: 406-727-8070  
Fax: 406-454-2454

July 8, 2011

To: Planning Director Mike Haynes

From: Fire Chief Randall McCamley

Re: Shumaker Wash bay Annexation

Thank you for the opportunity of reviewing the proposed annexation of the Shumaker property. While the Fire Department is generally in support of economic development projects, we feel it's important to go on the record with our concerns regarding public safety, access and jurisdictional boundaries. Based on the location of this project in relation to current fire station distribution, it is important the project developers and prospective occupants have a clear understanding of the fire department service delivery. Due to the distance of the proposed development to the closest city fire station, we have determined the travel time to be approximately 5 minutes or greater. This emergency response travel time is calculated by using a generally accepted emergency response time formula and historical response time data when available.

*The National Fire Protection Agency (NFPA) 1710 5.2.4.1.1 "The fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within 240-second travel time to 90 percent of the incidents as established in Chapter 4."*

Another concern of the property in question is the responding services jurisdictional responsibilities. Great Falls Fire Rescue does not have authority in the counties (i.e. volunteer fire departments) jurisdiction. There is a potential for error in dispatching and responding to properties "in and out" of City jurisdiction with the same address and could jeopardize public safety.

The last concern of Great Falls Fire Rescue is the fact that there is no direct access to the wash bay property without crossing adjoining property that may be owned by different owners other than those owning the Shumaker wash bay.

Based on the travel distances and the corresponding travel time, the possible access issues and the problem with jurisdictional boundaries the fire department is concerned with meeting the community's emergency performance outcomes.

Respectfully submitted,

Fire Chief Randall McCamley