



Item: Preliminary Plat and Findings of Fact for the Agri-Tech Industrial Park
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: Approve Preliminary Plat and Findings of Fact

Suggested Motion:

1. Commissioner moves:

“I move the City Commission approve the Preliminary Plat of Agri-Tech Industrial Park and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board.”

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

Staff Recommendation: Staff recommends the City Commission approve the Preliminary Plat of Agri-Tech Industrial Park and the accompanying Findings of Fact.

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

1. Annexation of Agri-Tech 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., Great Falls, Cascade County, MT. Case number ANX2012-2.
2. Preliminary Plat of Agri-Tech 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., Great Falls, Cascade County, MT. Case number SUB2012-1.
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.

The Agri-Tech Industrial Park is a proposed 196.549-acre 10-lot subdivision on property located north of 18th Avenue North, south of Giant Springs Road, and east and west of 67th Street North in unincorporated Cascade County.

The Planning Advisory Board/Zoning Commission conducted a public hearing to consider the annexation, initial zoning and preliminary plat of the Agri-Tech Industrial Park on July 10, 2012.

Director Mike Haynes entered the staff report into the record and presented an overview of the project to the board. He outlined the process that had led up to the Planning Board public hearing, described the general area and zoning districts (see Exhibit A: Zoning Map and Exhibit B: Aerial Photo), the proposed project (see Exhibit C: Site Plan) and the specific requests for annexation, initial zoning and preliminary plat. He used an aerial map of the area to illustrate the proximity and the prominent location of the subject property in relation to the Missouri River and its scenic overlooks, Rivers Edge Trail and Giant Springs State Park (see Exhibit D: Aerial Map). He also described the topography of the area and the natural drainage from the subject property primarily north onto FWP property and east towards Whitmore Ravine.

Given that heavy industrial uses, end-users and development plans are unknown at this time and given the environmentally-sensitive location of the subject property, city staff recommended conditions of approval that would allow the project to proceed but with protections for surrounding property owners, the environment and city-taxpayers. Beyond standard annexation agreement conditions related to rail, roadways, stormwater management and utilities, two key conditions of approval suggested by planning staff were to:

- Zone property east of 67th Street North POS (Parks & Open Space) consistent with the AG zoning in Cascade County and Cascade County Commissions opposition to industrial development east of 67th Street North for the reasons outlined in their letter (see Exhibit E: Letter from Cascade County Commission)
- Employ an SPMP (Specific Parcel Master Plan) process giving the Planning Board an opportunity to review specific development plans for each lot, and City Commission an opportunity to approve development with appropriate conditions of approval.

Mr. Haynes recommended approval of the annexation, initial zoning and preliminary plat subject to the conditions contained in the staff report.

Brett Doney, GFDA, presented on the need for economic development, for jobs and the need for “shovel-ready” heavy industrial rail-served lots. He stated that the project was not feasible unless the entire property was zoned and developed with I-2 Heavy Industrial uses. He offered an alternate Recommendation II that would zone all of the subject property to I-2 and proposed revisions to over 20 conditions of approval recommended by staff.

The public hearing generated a significant amount of public comment with a total of 25 speakers expressing support, opposition or offering general public comment on the project. Supporters advocated for industrial development and job creation, expressing the general sentiment that there was no ideal location for heavy industrial uses and the expected benefits would outweigh the negative impacts. Opponents argued that there were better locations for heavy industrial development and that industrial development should only be permitted with adequate mitigation measures. Letters of concern were submitted, including neighboring property owners; Montana State Parks and PPL Montana (see Exhibit F: Letters from Adjacent Property Owners).

For complete information on the presentations and public comment see the staff report and/or the video of the July 10, 2012, Planning Board public hearing at www.greatfallsmt.net

At the conclusion of the public hearing the Planning Advisory Board voted 8-0 to recommend the City Commission approve annexation and the preliminary plat of the property.

The Zoning Commission voted 6-2 to recommend City Commission approve an initial zoning of I-2 Heavy Industrial on the entire property. The Planning Board directed planning and public works staff to meet with the applicant team to try to resolve differences over the conditions of approval drafting by staff but proposed for amendment by the applicant.

Following the board's directive, city staff members met with the applicant team the next day (July 11, 2012) and were able to reach general agreement on the conditions of approval. The applicant agreed to prohibit Helipads and Motor Vehicle Graveyards as allowable uses. Permitted uses will thus include, but not be limited to:

- Agriculture, horticulture, nursery
- Agriculture sales
- Construction materials sales
- Large equipment rental
- Small equipment rental
- Agricultural commodity storage facility
- Fuel tank farm
- Mini-storage facility
- Freight terminal
- Warehouse
- Composing facility
- Recycling center
- Solid wastes transfer station
- Concealed telecommunication facility
- Unconcealed telecommunication facility
- Co-located telecommunication facility
- Utility installation
- Railroad yard
- Contractor Yard Type II
- Industrial, heavy
- Industrial, light
- Industrial park
- Junkyard
- Light manufacturing and assembly
- Motor vehicle wrecking facility

City staff remains concerned over the potential impacts of the proposed project given the lack of specific development plans for any of the lots and the limited mitigation measures. The revised Planning Board Recommendations including subsequently negotiated conditions of approval are included as Attachment 1.

It should be noted the provisions and terms of the annexation agreement runs with the land and bind the present owners, their devisees, heirs, successors and assigns.

It should also 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.

Next Steps will be for the Planning Advisory Board/Zoning Commission to consider approval of the Final Plat for the Agri-Tech Park and then City Commission will set the public hearing and hold the public hearing to consider annexation and initial zoning.

Concurrences: Various City Departments 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 will 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 can approve, conditionally approve or disapprove the Preliminary Plat although any disapproval must be based on nonconformance with subdivision regulations.

Attachments/Exhibits:

- Planning Board Recommendations
- A. Zoning Map
- B. Aerial Photo
- C. Site Plan
- D. Aerial Map
- E. Letter from Cascade County Commission
- F. Letters from Adjacent Property Owners
- G. Preliminary Plat
- H. Findings of Fact

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
Great Falls Development Authority, Brett Doney, bdoney@gfdevelopment.org
John Juras, TD&H Engineering, john.juras@tdhengineering.com

PLANNING BOARD RECOMMENDATIONS

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 ¼ and SW1/4 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 1-10 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:
 - A. Agree to develop a rail served heavy industrial subdivision; and,
 - B. Pay all applicable fees owed as a condition of plat or annexation approval upon final platting and annexation of AGRI-TECH PARK ADDITION, provided, however that storm water assessments shall be paid on a lot by lot basis and shall not be due and payable for any particular lot until the time that an application for a building permit is filed for the subject lot; and,
 - C. Assign I-2 Heavy Industrial zoning district to Lots 1-10 per the Official City Code of the City of Great Fall; and,
 - D. 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,

E. 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 contracts have been executed for the improvement of 67th Street North per the approved drawings referenced in Condition 2 above; and,

F. Restrictive covenants shall be placed on each of the subject lots which provide that:

- i. All litter must be confined to and retained on the lot producing such litter;
- ii. A restricted zone shall be established 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 Montana Fish & Wildlife property;
- iii. Building heights are limited to the following:

Distance from North Property Line	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 regs. only

- iv. A 50 foot setback shall be recorded on the plat on the exterior boundaries of each lot that adjoins 18th Avenue North or 67th Street South where building will not be permitted, however interior lot lines shall follow the I-2 zoning standards per City Code;
- v. Whenever it is commercially reasonable to do so, the structures on each lot requiring lighting shall be down lit and any paint colors used will be colors that match or are consistent with the natural surroundings of the subdivision; and
- vi. Freestanding signage shall not be higher than 12 feet and have a consistent design theme.

G. Within two years of the date of annexation, execute contracts for the installation of the water and sewer main extensions for Lots 1-4 of the subdivision (as referenced in Condition 2) above; and,

H. Agree to execute contracts for the development and construction of a lift station to applicable standards before development occurs on Lots 5-8; and,

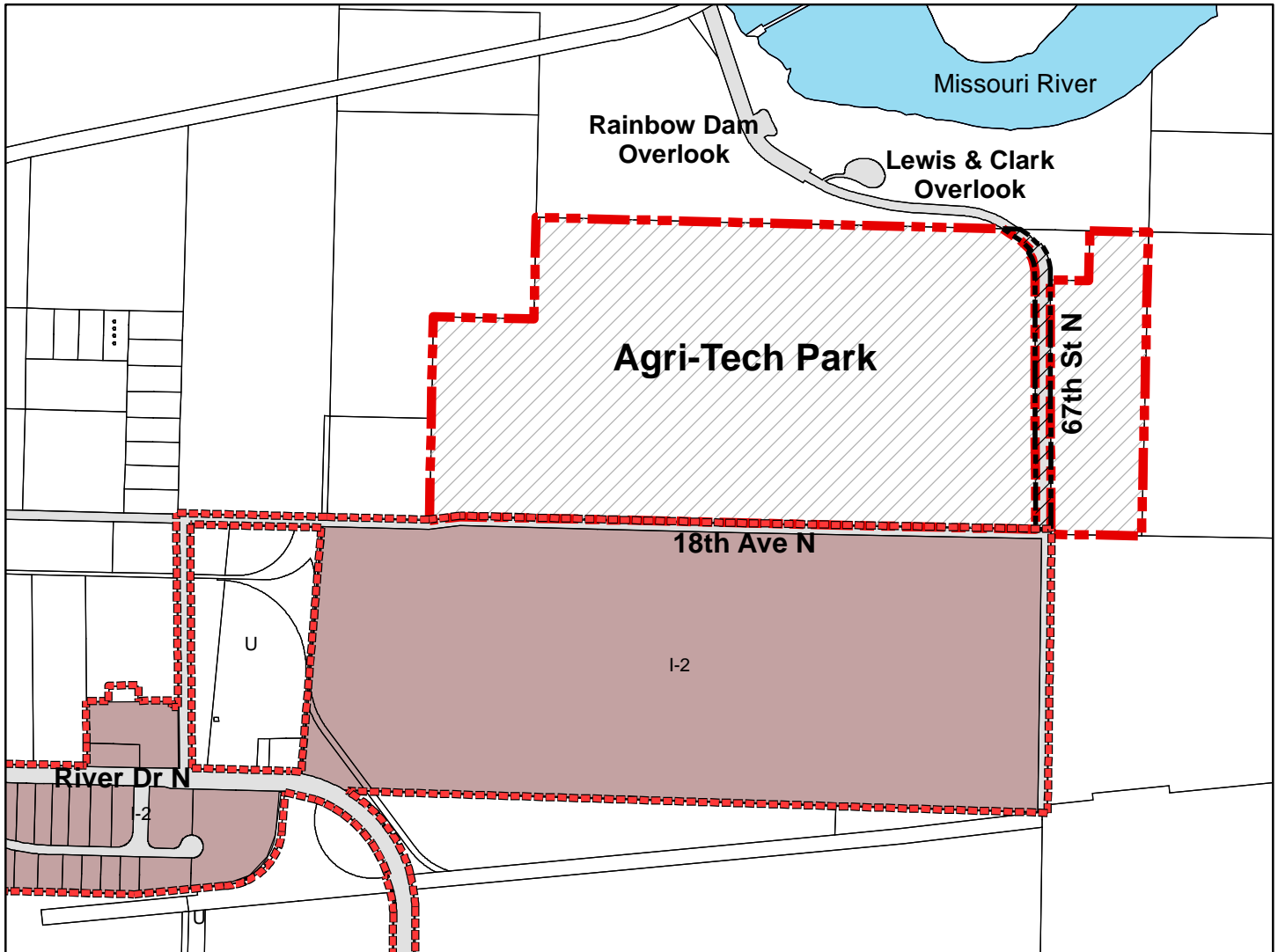
I. Within two years of the date of annexation, execute contracts for the installation of roadway improvements including, but not limited a 2-inch asphalt overlay on 18th Avenue North and any drainage improvements. Prior to Lots 7-10 being developed, contacts shall be executed for the improvement of 67th Street North including a geotextile, 12 inch thickness subbase gravel, 3 inch thickness crushed

gravel and 5-inch thickness asphalt cement concrete. The width of pavement shall be 36 feet; and,

- J. A traffic impact analysis shall be performed 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; and,
- K. Agree that each lot shall have adequate turn-around room for all anticipated traffic. 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,
- L. Provide required bicycle lanes on 18th Avenue North and 67th Street North as these roadways are improved; and,
- M. Prior to receiving a certificate of occupancy for the subject lot, install 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 occupancy permits will be issued for said Lots; and,
- N. 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 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,
- O. 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,
- P. Owner agrees to remedy damage to downstream property caused by storm water runoff from the Subdivision at no cost to the City; and,
- Q. 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 shall be considered to fund upsizing costs; and,
- R. Provide to City, prior to Owner receiving service from said infrastructure, reasonable appropriate easements to accommodate said infrastructure to serve Subdivision; and,

- S. 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,
- T. Agree 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. Maintenance of the crossings and related improvements shall also be the full responsibility of the rail line owner; and,
- U. 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,
- V. The owner of 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 adverse groundwater conditions on the owner's property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of 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 condition 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; and,
- W. The City shall grant such easements across 18th Avenue North and 67th 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.

Exhibit A Zoning Map



City Limits	C-4 Central business core	R-1 Single-family suburban
Agri-Tech 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
ZONING	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




660 330 0 660 Feet

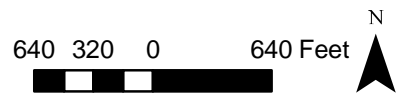
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Agri-Tech Park

Exhibit B Aerial Map



- City Limits
-  Agri-Tech Park
-  Right of Way Being Annexed
-  Tracts of Land



Agri-Tech Park

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.

Exhibit C

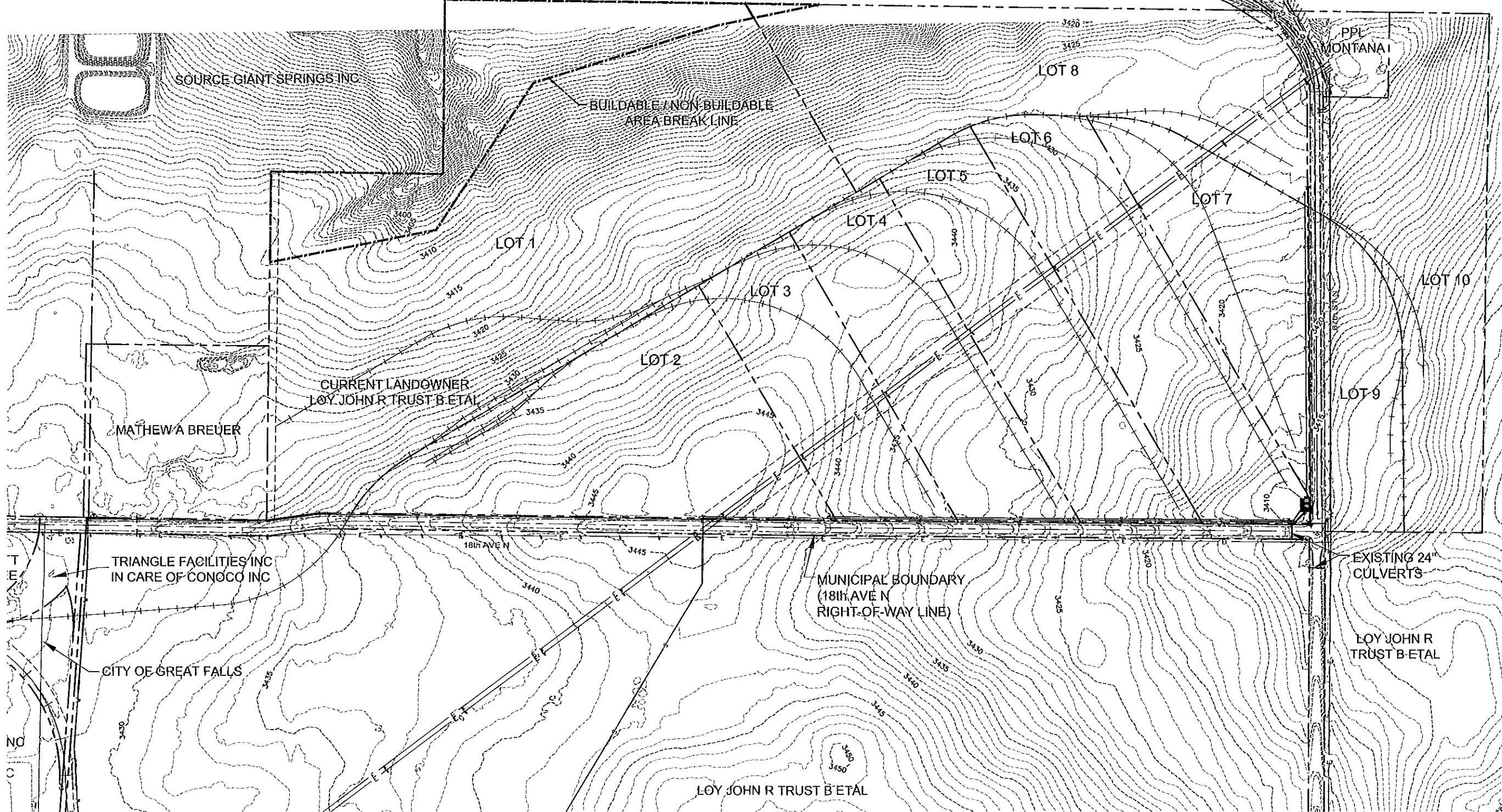
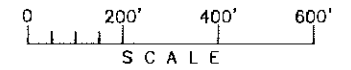
	<u>BUILDABLE AREA</u>	<u>NON-BUILDABLE AREA</u>
LOT 1	45.82 ACRES	12.04 ACRES
LOT 8	23.05 ACRES	0.17 ACRES

LOT 1 45.82 ACRES 12.04 ACRES

LOT 8 23.05 ACRES 0.17 ACRES

LEWIS & CLARK OVERLOOK

DEPT OF FISH WILDLIFE & PARKS



REVISIONS	
BY	DATE

DRAWN BY: MWC
 DESIGNED BY: JPJ
 QUALITY CHECK: 01.31.12
 DATE: 11-079
 JOB NO.:
 FIELDBOOK:

NORTHEAST GREAT FALLS AGRITECH PARK
GREAT FALLS, MONTANA

ANNEXATION AGREEMENT EXHIBIT "A"

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

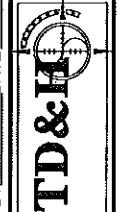
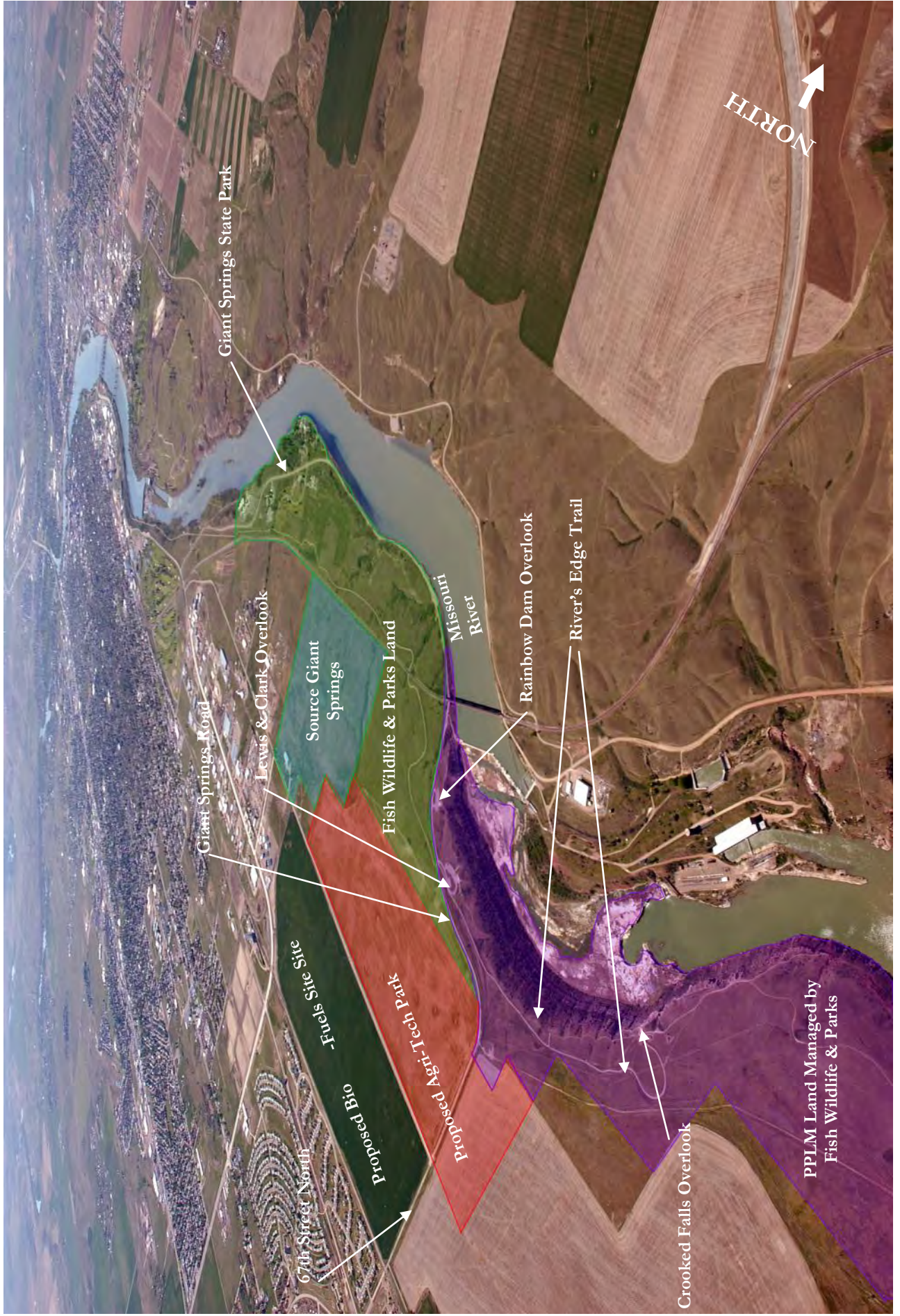


Exhibit D Aerial Map



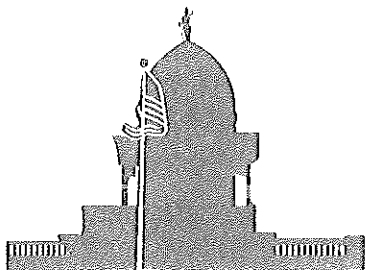


Exhibit E

CASCADE COUNTY

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

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 67th Street North I-2, the rest remains zoned as agricultural.

The action to retain the agricultural zoning East of 67th was by design, not by accident. GFDA asked if the County Commission would be willing to rezone areas east of 67th 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 67th 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 E

that including properties east of the 67th 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



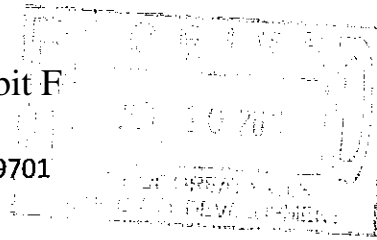
Joe Briggs
Commissioner



Bill Salina
Commissioner

Exhibit F

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 10th, 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 18th 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.

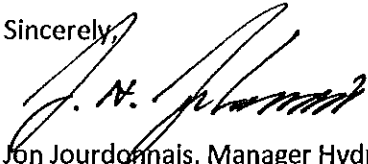
Exhibit F

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 18th 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 written in a cursive style with a large initial "J" and "N".

Jon Jourdonnais, Manager Hydro Licensing and Compliance

Exhibit F



P.O. Box 200701
1420 East 6th 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 F

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 F

Mike Haynes
June 28, 2012
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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 18th 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 67th 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.

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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 cursive script, appearing to read "Chas Van Genderen".









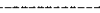



Chas Van Genderen
Administrator
Montana State Parks

A PLAT OF THE AGRI-TECH 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 & ETAL, CASCADE COUNTY

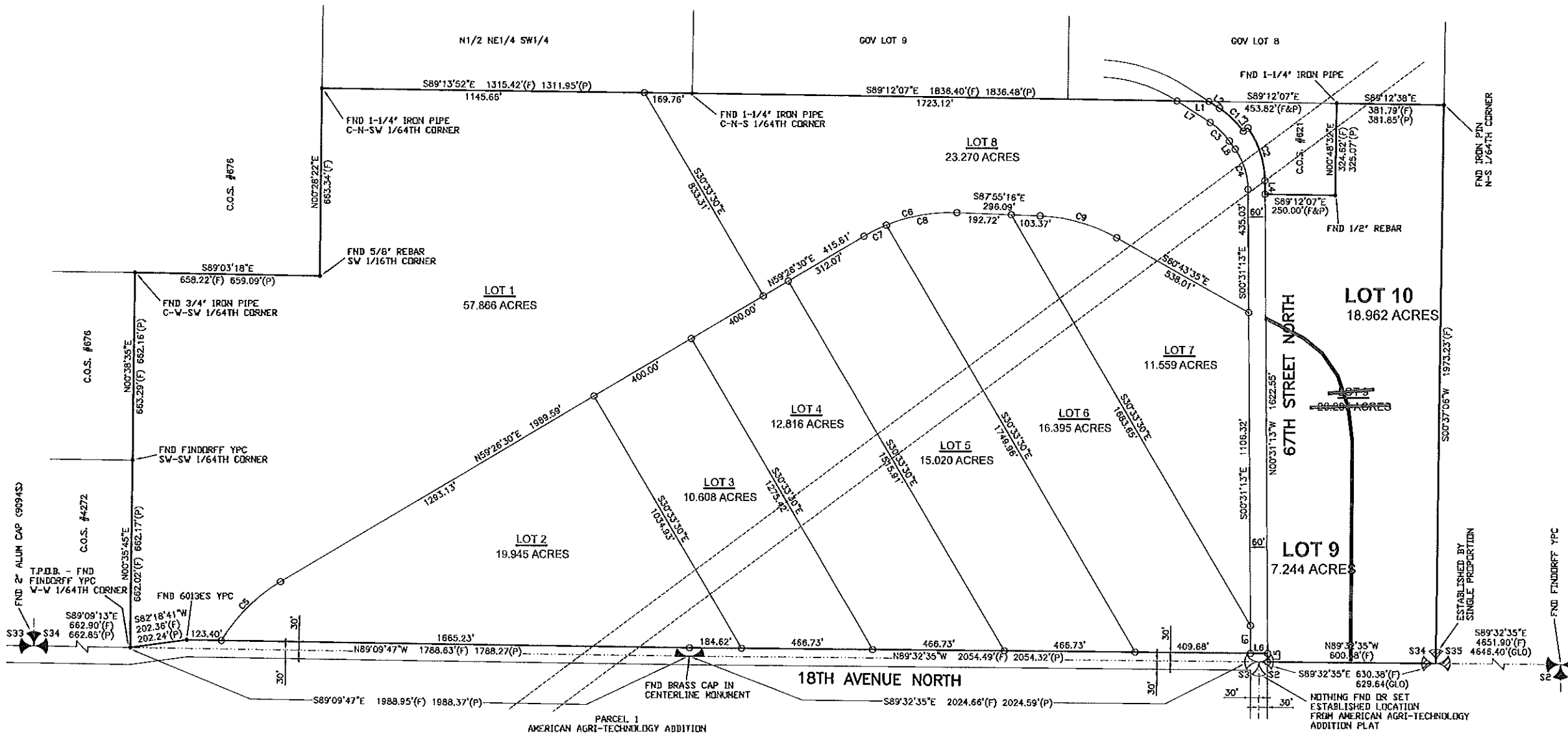
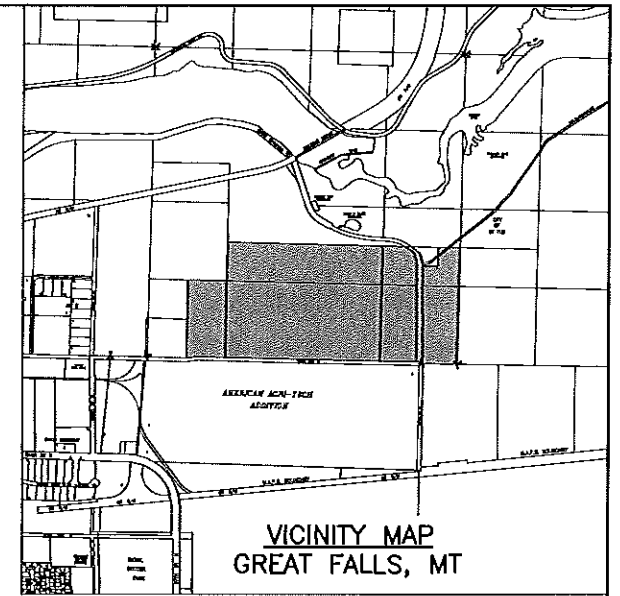
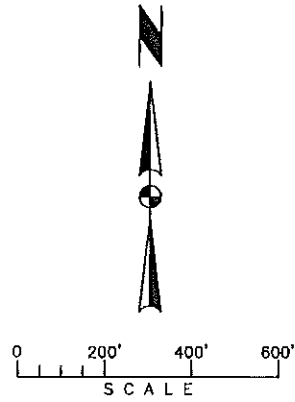
LEGEND

- 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	139.84'
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'



SHEET 1 OF 2

BASIS OF BEARING: GEODETIC NORTH ESTABLISHED WITH SURVEY QUALITY GPS
 PURPOSE OF SURVEY: TO CREATE A MAJOR SUBDIVISION

Exhibit G 3-15-12 DRAFT COPY


	DRAWN BY: DRK	DATE: 2-27-12	QUALITY CHECK: JPJ
	SURVEYED BY: DRK	JOB NO. 11-079	FIELD BOOK
THOMAS, DEAN & HOSKINS, INC. ENGINEERING CONSULTANTS GREAT FALLS-BOZEMAN-KALISPELL-HELENA SPOKANE LEWISTON MONTANA WASHINGTON IDAHO			

Exhibit H

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 ±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 similar standard as 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 shall 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 measure 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 propose 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. Further, the owner shall remedy damage to downstream property caused by stormwater runoff 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 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:

0 ft – 150 ft from north prop. line	No building zone
150 ft – 300 ft from north prop. line	Max building height of 50 feet
300 ft – 450 ft from north prop. line	Max building height of 100 feet
450 ft – 600 ft from north prop. line	Max building height of 150 feet
600 ft + from north prop. Line	I-2 zoning standard

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 AGRI-TECH 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 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.