



Agenda # 10
Commission Meeting Date: August 7, 2012
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

- Item:** Public Hearing – Resolution 9978 to Annex, Ordinance 3092 to assign City Zoning and Annexation Agreement all pertaining 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 34th 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 adopt Resolution 9978, Ordinance 3092 and Annexation Agreement all pertaining to Lot 1AA, Block 1, Great Falls Industrial Park Section 2 located in the NW1/4 Section 31, T21N, R4E, P.M.M.
-

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 9978 and (approve/disapprove) the Annexation Agreement all pertaining to Lot 1AA, Block 1, Great Falls Industrial Park Section 2 located in the NW1/4 Section 31, T21N, R4E, P.M.M.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3092.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
-

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 legally described as Lot 1AA, Block 1, Great Falls Industrial Park Section 2, located in the NW1/4 of Section 31, T21N, R4E, P.M.M., Cascade County, MT.

Ordinance 3092 to assign City zoning to the subject property was accepted by the City Commission on first reading on July 17, 2012. Notice of Public Hearing before the City Commission for the annexation and establishment of City zoning was published in the *Great Falls Tribune* on July 22, 2012.

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.

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 maintained by the owners of the property. The City is not obligated, as a part of this annexation, to improve streets on the subject property.

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.

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. The applicant will be required to upsize a part of the existing water main 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.

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.

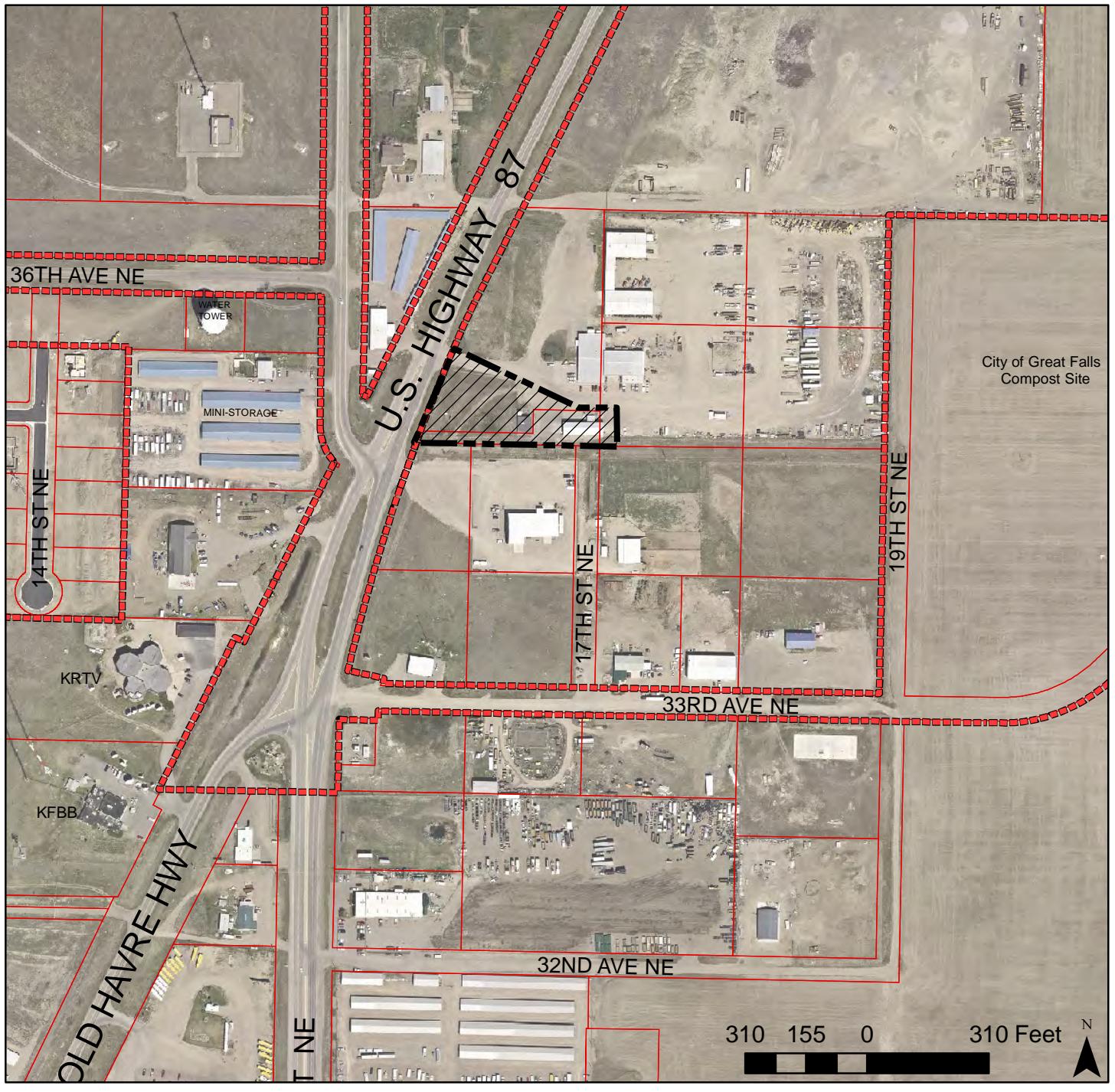
Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

- Aerial Photo
- Ordinance 3092 with Attachment A
- Resolution 9978 with Attachment A
- Annexation Agreement
- 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 7th 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 on first reading July 3, 2012.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 7, 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
ZONING			
	AI Airport Industrial	M-1 Mixed-use district	R-6 Multi-family high density
	C-1 Neighborhood commercial	M-2 Mixed-use transitional	R-9 Mixed residential
	C-2 General commercial	PLI Public lands institutional	R-10 Mobile home park
	C-3 Highway commercial	POS Park Open Space	Unincorporated
	C-4 Central business core	PUD Planned unit development	290 145 0 290 Feet
R-1 Single-family suburban			

N
290 145 0 290 Feet

Shumaker Annexation

RESOLUTION 9978

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE 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; 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:

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 and containing ±1.79 acres.

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

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,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION 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 7th day of August, 2012.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

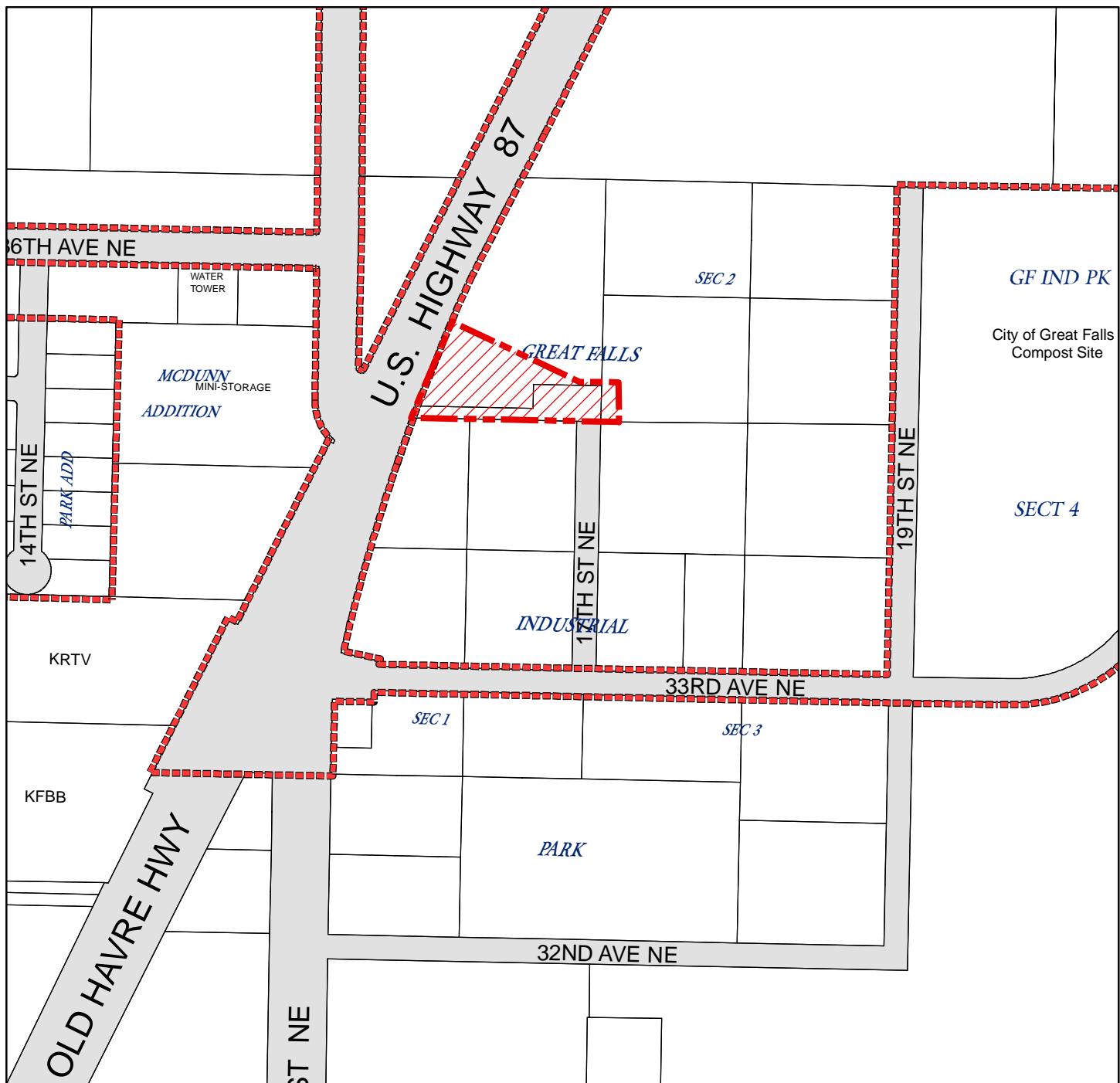
(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

Resolution 9978

Attachment A



----- City Limits

Area Being Annexed by Resolution 9978

Tracts of Land

290 145 0 290 Feet

N
▲

Shumaker Annexation

**ANNEXATION AGREEMENT
FOR
LOT 1AA, BLOCK 1,
GREAT FALLS INDUSTRIAL PARK SECTION 2,
LOCATED IN THE NW $\frac{1}{4}$ OF SECTION 31,
TOWNSHIP 21 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2012, between EUGENE SHUMAKER, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City," regarding the requirements for the annexation to the corporate limits of City of Lot 1AA, Block 1, Great Falls Industrial Park Section 2, located in the NW $\frac{1}{4}$ of Section 31, Township 21 North, Range 4 East, Cascade County, Montana, hereinafter referred to as "Lot 1AA."

2. SUPPORTING DOCUMENTS

- A. 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, located in the NW $\frac{1}{4}$ of Section 31, Township 21 North, Range 4 East, Cascade County, Montana prepared by Woith Engineering, and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.
- B. Final engineering drawings and specifications prepared by Woith Engineering, consisting of documents for water mains improvements. Said drawings and specifications are on file in the City Engineer's office.

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 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. FEES AND CHARGES

- A. Prior to annexation of Tract 2, Owner shall, in addition to the \$700.00 fee for establishing City zoning and \$400.00 fee for Annexation Resolution, Application and Agreement, which have been paid, pay the following required fees as provided by City policy, ordinances and resolutions:

a) Storm Sewer Fee (\$250/acre x 1.79 acres)	\$ 1,169.00
b) Recording fees for annexation documents (\$11 per page x 11 pages)	121.00
Total fees made payable to City of Great Falls	\$ 1,290.00
- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Lot 1AA at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Lot 1AA shall not constitute a waiver by the City.

5. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the upsizing of the water main improvements for the Subject Property, according to plans referenced in Paragraph 2.B above and filed in the City Engineer's office and in accordance with standards of City. The water main improvements shall consist of the replacement of the 4-inch pipe with 8-inch main from the Black Eagle main to the existing 8-inch main on-site. Owner further agrees to extend the 8-inch main to the northern property line of Lot 1AA and install all appropriate fire hydrant and meter additions, when deemed necessary by City.

6. 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.

7. 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, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to lots in Subject Property.

8. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive its right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Lot 1AA 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 Lot 1AA which is a contributor to the drainage sub-basin of which Lot 1AA is a part.

9. FUTURE ROADWAY IMPROVEMENTS

Owner hereby agrees to waive right to protest creation of any future special improvement district for Lot 1AA and further agrees to pay when deemed necessary by the City for proportionate share of said roadway improvements, including sidewalk, that may be installed with or without a special improvement district.

10. PUBLIC ROADWAY LIGHTING

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Lot 1AA, and further agrees to pay for proportionate share of the costs associated with roadway lighting which service Lot 1AA that may be installed with or without a special lighting district.

11. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Lot 1AA, as provided for by State law.

12. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY IMPROVEMENTS

After the public utilities described in Paragraph 2.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

Installation of the public utilities described in Paragraph 2.B. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

13. ANNEXATION PREREQUISITES

Said Lot 1AA 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. Said Lot 1AA, upon annexation to City, will be provided fire protection services by City comparable to that provided to incorporated properties.

14. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves Lot 1AA for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of I-2 Heavy industrial district. It is hereby understood that the preceding language regarding zoning of Lot 1AA does not preclude City from reclassifying Lot 1AA if an area wide reclassification is undertaken, in which event City agrees to reclassify said Lot 1AA as a conforming use.

15. BINDING EFFECT

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

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

CITY OF GREAT FALLS

Party of the First Part

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

OWNER
Party of the Second Part

By: _____
Eugene Shumaker, Owner

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

On this _____ day of _____, 2012, before me, a Notary Public in and for the State of Montana, personally appeared Eugene Shumaker, known to me to the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year certificate first above written.

(NOTARIAL SEAL)

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My commission Expires: _____, 20_____



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