



Item: Ordinance 3131 - An Ordinance assigning a zoning classification of I-2 Heavy Industrial district to CHS Nutrition, legally described as Mark 4C, located in the SW¼ NW¼ of Section 3, Township 20 North, Range 4 East, Cascade County, Montana

From: Galen Amy, Planner II, Planning and Community Development

Initiated By: CHS Inc., Owner

Presented By: Craig Raymond, Director of Planning and Community Development

Action Requested: City Commission accept Ordinance 3131 on first reading and set a public hearing for July 7, 2015.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3131 on first reading and set a public hearing for July 7, 2015.”

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

Recommendation: At the conclusion of a public hearing held on May 12, 2015, the Planning Advisory Board recommended the City Commission approve annexation of the subject property addressed as 5325 10th Avenue North, and the Zoning Commission approved assigning a zoning classification of I-2 Heavy Industrial district upon annexation into the City, subject to fulfillment of the following Conditions of Approval:

1. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Within two (2) years of the date of final City Commission approval, the applicant shall install a fire sprinkler system in the F-1 portion of the existing building.
3. A Storm Water Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.
4. The applicant shall submit a completed Industrial Waste Water Questionnaire to the City Public Works Environmental Division and adhere to any resulting requirements therein.
5. An Improvement Agreement shall be prepared, executed and filed, containing terms and conditions for development of the subject property including, but not limited to,

agreement by application to:

- A. Install within two years of the date of final City Commission approval, the public improvements referenced in Paragraph 2 above.
- B. Install boulevard trees on the north side of 10th Avenue North and install boulevard style sidewalk on the south side of 10th Avenue North.
- C. Indemnify the City for any damages attributable to adverse soil or groundwater conditions.
- D. Pay all applicable fees owed as a condition of annexation, as determined and agreed upon in the Improvement Agreement.

To date, staff has received three phone calls from residents with question about the proposed development.

Background:

CHS Nutrition Great Falls currently produces approximately 70,000 tons of finished cattle, poultry, equine and pork feeds per year, averaging 6,400 tons per month, with 2,000 tons being bagged feed and the remainder going out in bulk truck. Most of the storage is in bagged feed with raw feed ingredients (molasses, mineral oil, canola oil, wheat and barley midds - a byproduct from the flour mills, like bran - corn and soy hulls) stored on site. There are internal, as well as 6 external, ingredient bins all numbering 1-67. The mill itself is 120 feet to the roof. CHS is expanding to accommodate the region's feed needs, covering an approximate 300 mile radius around the city. There are plans currently being developed for this area's growing needs. CHS is a cooperative committed to the needs of area farming and ranching communities.

The subject property is currently located in Cascade County and is zoned I-1 Light Industrial. The property is located outside, but adjacent to, the City limits. North of the subject property is railroad right-of-way and a City I-2 Heavy Industrial district along River Drive. To the east across 57th Street North is Malmstrom Air Force Base, which operates in the County. Also in the County, to the west is an industrial corridor along 10th Avenue North. To the south, the subject property fronts 10th Avenue North, and the portion of the right-of-way abutting the subject property is in the City limits, as well as the Siebel Soccer Park.

Annexation Request

The applicant, CHS Inc., is requesting annexation of ±13.796 acres from Cascade County into the City of Great Falls for its existing CHS Nutrition operation as an agricultural livestock feed processing plant. The applicant is making the request in order to connect to the City water and sewer system.

City of Great Falls Growth Policy

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update, especially supporting the Physical portions of the Growth Policy in relation to the reduction in unincorporated enclaves and maximizing existing infrastructure. Additional supportive Policies that this project is consistent with include:

Economic

Eco3.4.2 Promote a "business friendly" attitude and support the use of an ombudsman role in all facets

of business development.

Physical - Land Use

Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

Physical - Efficient Infrastructure

Phy4.3.4 Ensure that new development does not increase the cost or adversely impact existing service levels or service delivery.

Physical - Growth Policy

Phy4.7.6 Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for. This type of growth is preferred in order to avoid the long-term cost to taxpayers of providing costly services in an inefficient way.

The subject property is contiguous with City limits and the proposed annexation is a logical and efficient extension of the City's boundaries and service areas. The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time identifies that there are 34 enclaves totaling 405 acres. The annexation of this property creates a 3.4% reduction in those enclaves. Thus, the Growth Policy strongly encourages annexation and development of these properties.

Rezone Request

The subject property is currently zoned I-1 Light Industrial in the County, and upon annexation into the City would be zoned I-2 Heavy Industrial zoning district. According to Title 17 - Land Development Code of the Official Code of the City of Great Falls (OCCGF), the I-2 zoning classification is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses. The OCCGF further provides the following definition for this specific land use:

"Industrial, heavy" means a place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

The land use of "industrial, heavy" aligns with the current operations of the CHS Nutrition facility, and the existing structures on the subject property are in compliance with the I-2 district development standards in relation to structure height, lot coverage, setbacks (see attached Development Standards). The eastern half of the property is undeveloped and any future expansion of the processing facility shall comply with the Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code in regards to lighting, landscaping, parking lot improvements, signage, and the aforementioned development standards. Any future development will be reviewed and approved by the City under a separate application.

Due to the nature of this type of industrial use, the City Public Works Environmental Division has concerns about the manufacturing processes employed at the processing facility regarding what materials may end up being discharged to the sanitary sewer – either as part of the process, through cleaning activities or by accident. Therefore, the applicant shall submit a completed Industrial Wastewater Questionnaire for City review and shall adhere to any resulting requirements therein.

Neighborhood Council Input

The subject property is located in Neighborhood Council #4. The Council received information on the project on May 1 and May 8, 2015, via email. There was no vote by the Council as it was not heard at their regularly scheduled meeting. Staff received two phone calls with questions related to the project at the time the staff report was written.

Improvements

Storm Water Management

Upon annexation, the applicant shall submit a Storm Water Management Plan and drainage report, in compliance with the City of Great Falls Storm Design Manual and City standards, to the City Public Works Department for review and approval prior to issuance of building permits. This Plan shall include installation of an onsite storm water detention pond that is piped to the 18-inch lined reinforced concrete storm water pipe in 10th Avenue North.

Street Improvements

No improvements to 10th Avenue North are required upon annexation because it was recently reconstructed by the Montana Department of Transportation (MDT) as part of the Northeast Bypass reconstruction. However, it is maintained by the City. 57th Street North is MDT right-of-way and is maintained by them as well. The applicant currently has two driveways to the property off of 10th Avenue North which shall be improved and paved to City standard. The applicant will be required to install boulevard trees along 10th Avenue North. In order to best serve pedestrians, the applicant will install boulevard style sidewalk along the south side of 10th Avenue North, from the 10th Avenue North and 57th Street North intersection west to the equivalent of the western property line of the subject property.

Traffic Analysis

The subject property abuts 10th Avenue North on the south and 57th Street North on the east with, with driveway access from 10th Avenue North. 10th Avenue North connects to 57th Street North, a major arterial, at a signalized intersection. No operational issues exist in either roadway, not at the intersection.

CHS Nutrition employs on average 25 people that work in three shifts, and the existing operation produces an overall low volume of truck traffic related to the transportation of raw and processed feed materials. Upon annexation there will not be an increase to the traffic generated by the site, and future expansion of the facility is not anticipated to create a significant increase to traffic volumes in the area.

Utilities

Utility connection is very straightforward and convenient for the proposed annexation. All utilities that will serve the subject property are located in the 10th Avenue North right-of-way (see attached Utility Map). Thus, the applicant will connect service lines to the 12-inch water main and 21-inch sanitary sewer main upon annexation. The applicant shall also pay its proportionate reimbursement to the City for the existing water and storm water mains. There is no reimbursement due for the sanitary sewer main, which was installed for Malmstrom Air Force Base and was replaced under normal maintenance in 2004.

Concurrences: Representatives from the City's Public Works, Police, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

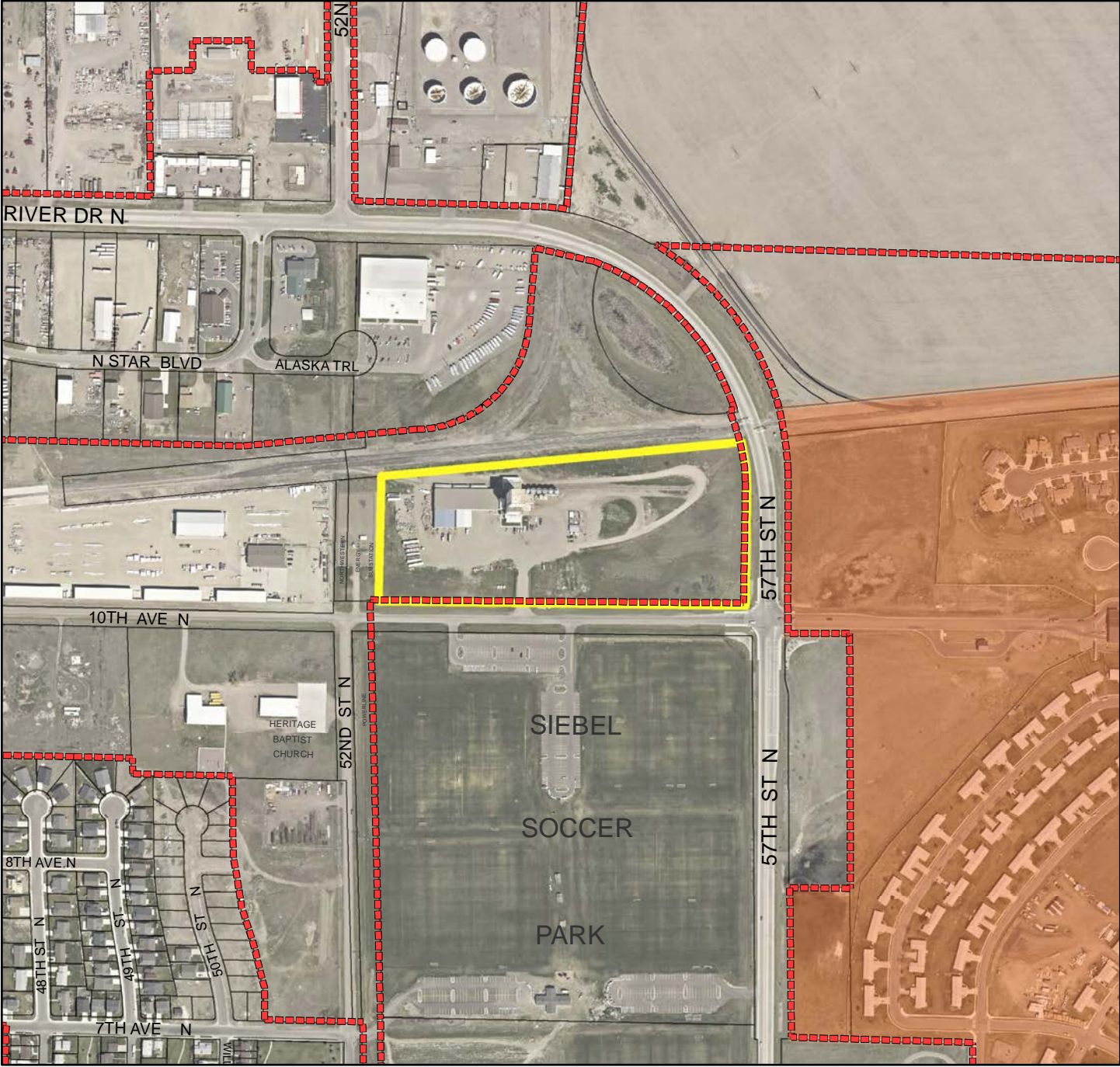
Fiscal Impact: Any increased costs to provide services will be covered by increased tax revenues from the annexation of the property into the City.


Alternatives: The City Commission could deny acceptance of Ordinance 3131 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: Aerial Map
 Ordinance 3131
 Zoning Map
 Utility Map
 Development Standards

Cc: Jim Rearden, Public Works Director
 Dave Dobbs, City Engineer
 Patty Cadwell, Neighborhood Council Coordinator
 Susan Conell, Cascade County Planning Director, sconell@cascadecountymt.gov
 Matt Vogl, CHS Inc. Representative, Matt.Vogl@chsinc.com
 Mark A. Coleman, Real Property Officer, MAFB, mark.coleman.2@us.af.mil

Aerial Map



-  5325 10th Avenue North
-  City Limits
-  Malmstrom Air Force Base
-  Tracts of Land



ORDINANCE 3131

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2
HEAVY INDUSTRIAL DISTRICT TO THE PROPERTY ADDRESSES AS
5325 10TH AVENUE NORTH, AND LEGALLY DESCRIBED AS MARK
4C, LOCATED IN THE SW¼ NW¼ OF SECTION 3, TOWNSHIP 20
NORTH, RANGE 4 EAST, CASCADE COUNTY, MT

* * * * *

WHEREAS, CHS Inc. is the owner of record and has petitioned the City of Great Falls to annex the subject property, consisting of ±13.796 acres, as legally described above; and,

WHEREAS, CHS Inc. has petitioned said property be assigned a City zoning classification of I-2 Heavy Industrial district, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classifications to said property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7th day of July, 2015, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning classification of said property be designated as I-2 Heavy Industrial district classification.

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 said property, as legally described above, 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 on first reading June 2,
2015

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

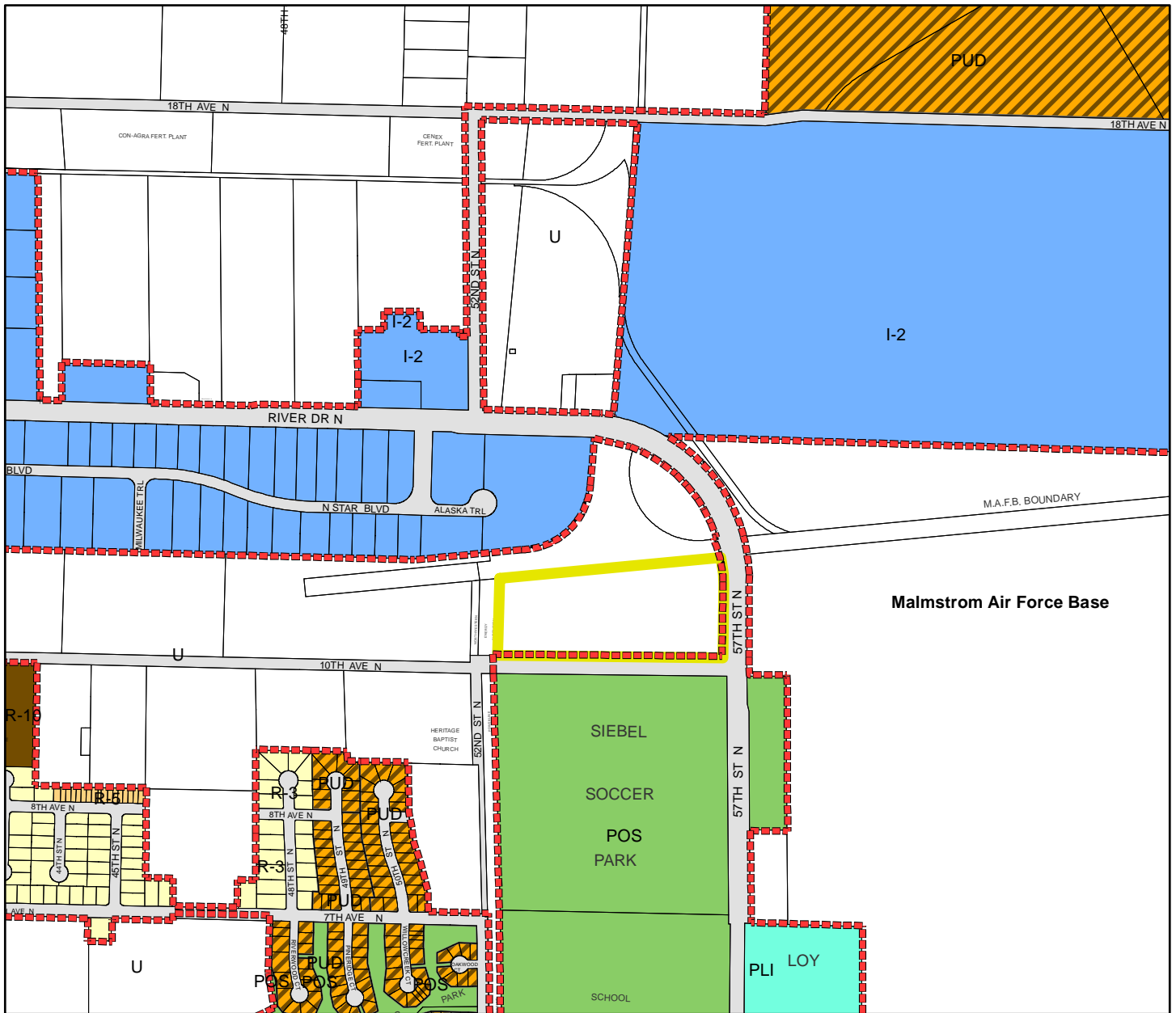
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3131 in three conspicuous places within the limits of said City to-wit:

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

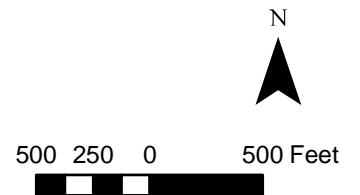
(CITY SEAL)

Zoning Map



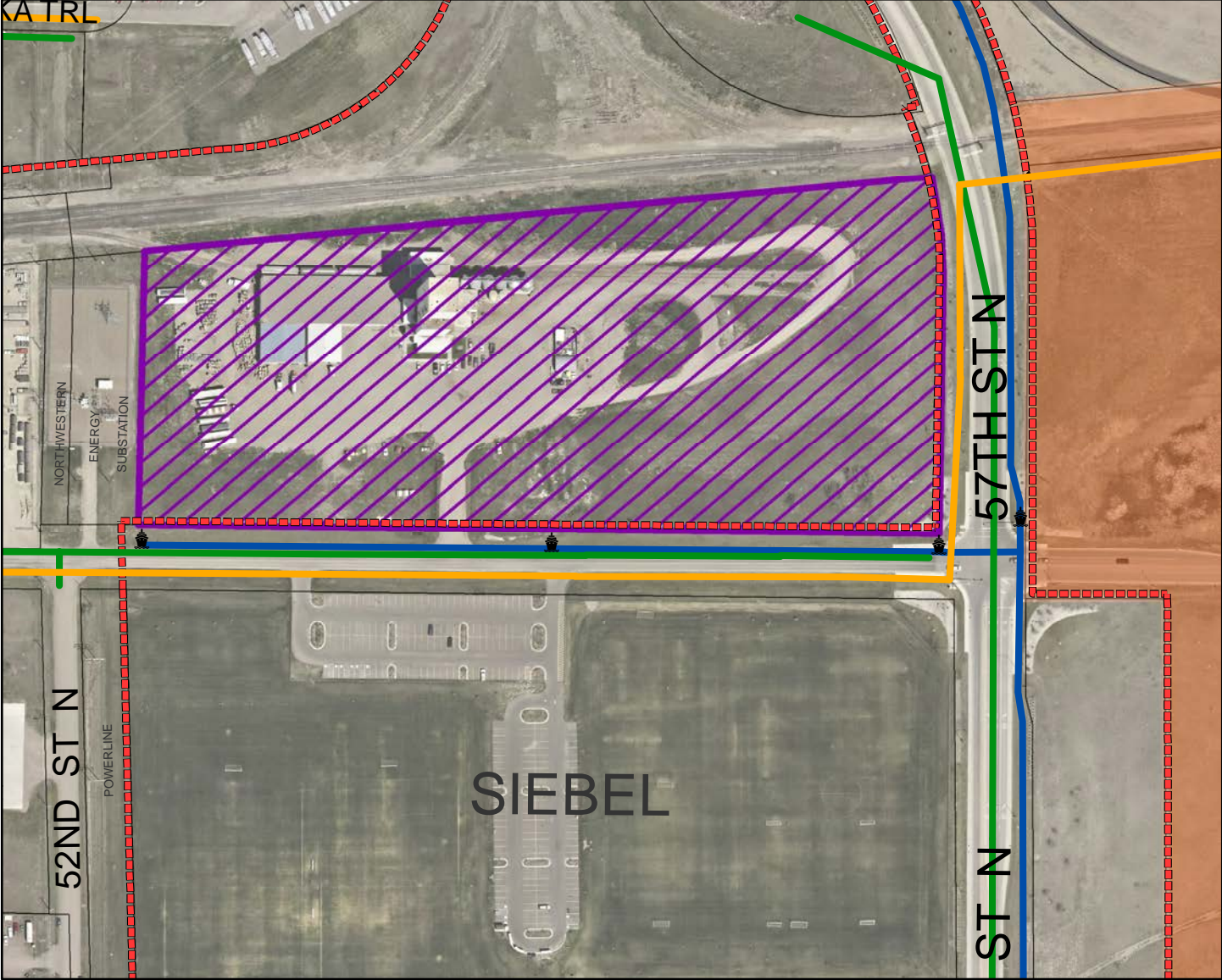
Legend

- City Limits
- 5325 10th Avenue North
- Tracts of Land
- right-of-way
- ZONING**
- R-3 Single-family High Density
- R-5 Multi-family Medium Density
- R-10 Mobile Home Park
- PUD Planned Unit Development
- I-2 Heavy Industrial
- PLI Public Lands and Institutional
- POS Parks and Open Space
- U Unincorporated Enclave



CHS Inc.
Annexation & Zoning

Utility Map



- 5325 10th Avenue North
- City Limits
- Tracts of Land
- Malmstrom Air Force Base
- FireHydrants
- SewerMains
- StormMains
- WaterMains



Exhibit 20-4 (continued). Development standards for other zoning districts

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right	65 feet	45 feet	none
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet	none

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012) <?xpp restore?>