

Conditional Use Permit of 6501 18th Ave N

- Property Location:** 6501 18th Ave N
- Applicant:** Ponderosa Solutions LLC
- Legal Description:** Lot 6A of Agritech Park, Section 34, T21N, R4E, P.M.M., Cascade County, Montana
- Request:** The applicant requests a Conditional Use Permit (CUP) to allow handling of a hazardous substance, hydrogen sulfide (H₂S), which is listed as an ingredient of asphalt.
- Basis of Decision:** The basis of decision for a Conditional Use Permit can be found within the Official Code of the City of Great Falls Title 17 Chapter 16 Article 36
- Additional Information:** This request is scheduled to go in front of the Planning Advisory Board/Zoning Commission on March 26th, 2024.
- Attachments:**
- Applicant Packet
 - Aerial Map
 - Basis of Decision

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8430 • WWW.GREATFALLSMT.NET

LAND USE APPLICATION

Name of Project (if applicable):

Project Address:

Applicant/Owner Name:

- Annexation: \$3,000 + \$150/acre
- Preliminary Plat, Major: \$4,000 + \$100/lot
- Final Plat, Major: \$2,000 + \$50/lot
- Minor Subdivision: \$3,000
- Zoning Map Amendment: \$4,000
- Conditional Use Permit: \$3,000
- Planned Unit Development: \$4,000
- Amended Plat, Non-administrative: \$3,000

Mailing Address:

Phone:

Email:

Representative Name:

Phone:

Email:

LEGAL DESCRIPTION:

Lot/Block/Subdivision:

Section/Township/Range:

ZONING (ZONING MAP AMENDMENT ONLY):

LAND USE (CONDITIONAL USE ONLY):

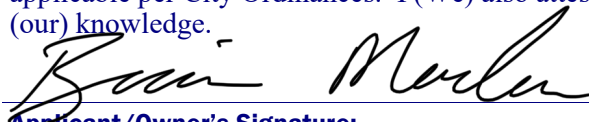
Current:

Proposed:

Current:

Proposed:

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.


Applicant/Owner's Signature:


Date:

Representative's Signature:

Date:



Project Name: Great Falls Transload Terminal

Developer/Owner: Ponderosa Solutions LLC (F.K.A. Ponderosa Petroleum LLC)

Project Description

At the request of existing Great Falls businesses, Ponderosa Solutions is proposing a multi-product transload facility to meet existing and increasing demand. Transload facilities provide a valuable service in the supply chain of moving goods from rail to truck and vice versa. Many area businesses do not have rail services and currently there is no commercial transloading site for them to utilize, leaving them dependent on one mode of transportation - trucking. Transportation and logistics costs in our region remain higher than other markets due to our location and the limited transportation options. By offering this much needed service, Ponderosa hopes to reduce regional transportation and logistics costs to area businesses and meet their demands.

At the proposed facility on Lot 6A in the Agritech Park of Great Falls, MT at 6501 18th Avenue North, Ponderosa will offer transloading and miscellaneous rail services to local customers.

Examples of transload commodities that have been requested by local businesses include:

- Asphalt
- Steel
- Lumber
- Drywall and other building materials
- Grains for livestock feed
- Aggregates
- and packaged goods that include food and merchandise

In addition, Ponderosa Solutions will be able to offer other common transload rail services that may include graffiti cleaning, stencil repairs, railcar heating, railcar cleaning, equipment repair and maintenance, short term railcar storage, etc.

Ponderosa has been providing a host of transloading services across the US for over 15 years. Transloading involves a variety of tools depending on the commodity. Transloading non-liquid goods can be performed using equipment such as forklifts, telehandlers, bucket loaders, grain augers, and conveyors. Transloading liquid goods is performed using well vetted custom pumping systems on mobile transload trucks.

Ponderosa Solutions can handle the routine commodities and specializes in handling the most difficult and unique commodities including high viscosity liquids.

As with most projects, this project started with an anchor customer requesting service and has expanded when the regional demand was established. The first phase of the project is to meet the demands of the anchor customer.

The anchor customer needs asphalt to be transloaded from tanker trucks to railcars at the proposed facility. Truck to railcar asphalt transloading will be performed using mobile transloaders. These are truck-mounted platforms with the pumps, piping, hoses, and controls to safely move products between tanker trucks and tanker rail cars.

For asphalt transloading, loaded delivery trucks will arrive onsite and park alongside the transloader which will be positioned next to an empty railcar. The truck will connect to the transloader with a hose, and the transloader will pump product from the truck into the railcar. Transloaders are equipped with redundant overfill protection devices which shut off the pump and sound an alarm when the railcar is near full to ensure the proper amount is distributed and avoid any spills.

Considering asphalt is non-penetrating, non-flammable, and non-combustible, it presents an inherently low risk when handling. The product being transferred is the same asphalt being used to pave roads throughout the City of Great Falls on a daily basis. Ponderosa does not anticipate that the operations of the facility will generate any waste or uncontrolled spills of asphalt. Over our 15 years in this industry, Ponderosa Solutions has established the highest of industry standards and implements thorough Spill Response and Prevention Plans (SPRP). Should a spill occur, it will be properly contained and remediated to ensure there is no hazardous impact to our employees or our surrounding community.

Reason for Request of Conditional Use Permit

While asphalt is widely utilized in all our roads, asphalt by its nature contains very trace amounts of the biproduct Hydrogen Sulfide (H₂S) at concentrations less than 0.1% in the form of a gaseous substance. When H₂S is released from asphalt to the atmosphere at such low concentrations, it dissipates immediately posing negligible exposure concerns. In our other facilities we have not had to submit conditional use permit requests as asphalt is not deemed hazardous because the H₂S is in such low concentration. In the City of Great Falls code OCCGF 17.20.3.060 - Certain land uses shown as permitted may be a conditional use, “A permitted land use[...] that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use **in every circumstance.**” Thus, the presence of H₂S, ‘in every circumstance’ no matter the quantity or form, requires a Conditional Use Permit if it is to be handled.

Proposed Development

The development will meet the previously agreed upon development conditions as set forth in the existing AgriTech Park development agreement.

Phase 1 of the facility construction will include the installation of 3 rail tracks (Tracks C, D, and E), an office building, retention pond, parking lot, site lighting, perimeter fencing, access roads to the rail tracks, and landscaping. Phase 2 construction allows for 2 more rail tracks (Tracks A and B) and their service roads to be built when the capacity is needed. Phase 3, which is not depicted on the site map, could include expansion of any of these facilities. Generally, an expansion of the existing facilities would include adding railcar access platforms, adding equipment to transload a new commodity, and/or building new rail spurs.

Outdoor Lighting

The facility will utilize lighting that is shielded and oriented in a manner to illuminate the intended area as in accordance with the existing AgriTech Park development agreement. The lighting design is specified in the drawings below and will comply with Chapter 40 of the City code.

Stormwater Facilities

The site plan proposes the installation of one retention pond at the Southeast corner of the property and will meet the existing AgriTech Park development agreement. The total capacity and location is being determined by a professional civil engineer to meet the set standards.

Setbacks

The proposed facility has the following depicted setbacks:

North: 205 ft

East: 72 ft

South: 94 ft

West: 67 ft

Height of Buildings

Office – 20' peak height

Estimated Truck Trips

Ponderosa anticipates an average 10 trips per day for operations staff. Delivery truck trips are estimated at an average of 15 per day over the course of the year. Truck traffic will consist of MT DOT legal trucks (80,000 GVWR).

Operational Hours

24/7

Number of Employees

Ponderosa will employ an average of 8 employees throughout the year.

Existing Land Uses Nearby:



Pacific Steel and Recycling: “Pacific offers new steel sales, a wide variety of processing services for our customers to prepare their steel and agricultural steel products. We deal in Scrap, Commercial & Consumer and Electronics Recycling. Learn more about the large variety of items we handle.” ([website](#))

Montana Specialty Mills: “Our new, state-of-the-art crush plant and refinery represents a firm investment in Montana agriculture. Located along the Missouri River in Great Falls, this facility is focused on processing specialty oilseeds. Our Great Falls plant has the capability to load product into railcars, bulk trucks, and totes. This facility is designed to process identity-preserved crops, and we offer a wide variety of products and toll processing services.” ([website](#))

Helena Chemical: “Helena offers virtually every input that is used in production agriculture. This includes fertilizer, seed, crop protectants and many other products.” ([website](#))

FedEx: Shipping distribution center. ([website](#))

Governing agencies

OSHA

EPA

DOT

FRA

DHS

Montana DEQ

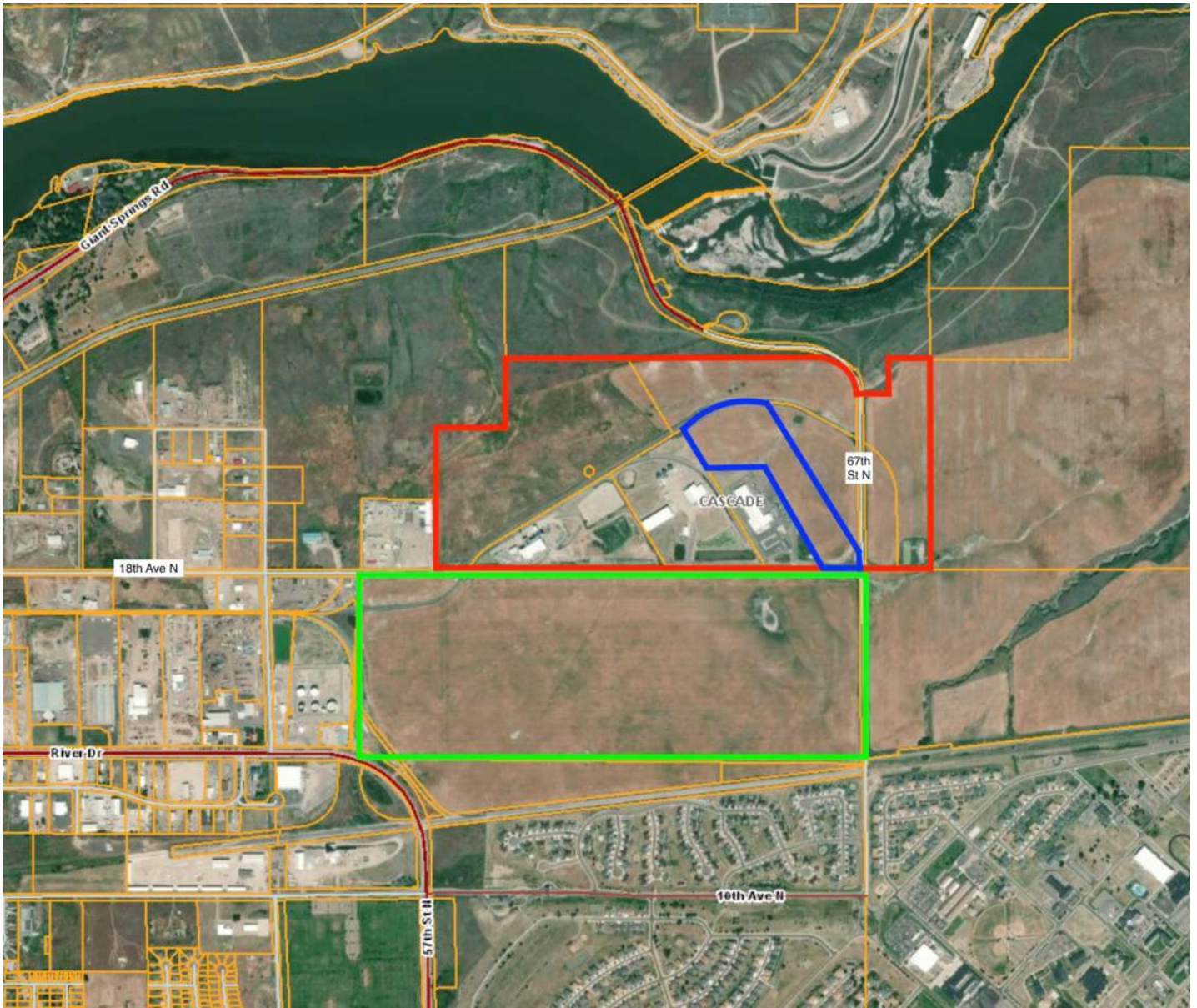
Additional Regulatory Compliance

Air Quality Permit (Administrative Rules of Montana (ARM), Title 17 – Environmental Quality, Chapter 8 – Air Quality; Prevention of Significant Deterioration (PSD), Title V, or Federal Air Pollutant (HAP))

BNSF Guidelines for Industry Track Projects

Spill Prevention and Response Plans (SPRP) – also known as Spill Prevention, Control, and Countermeasure (SPCC) (EPA, Oil Pollution Act amendment to the Clean Water Act)

Aerial Map



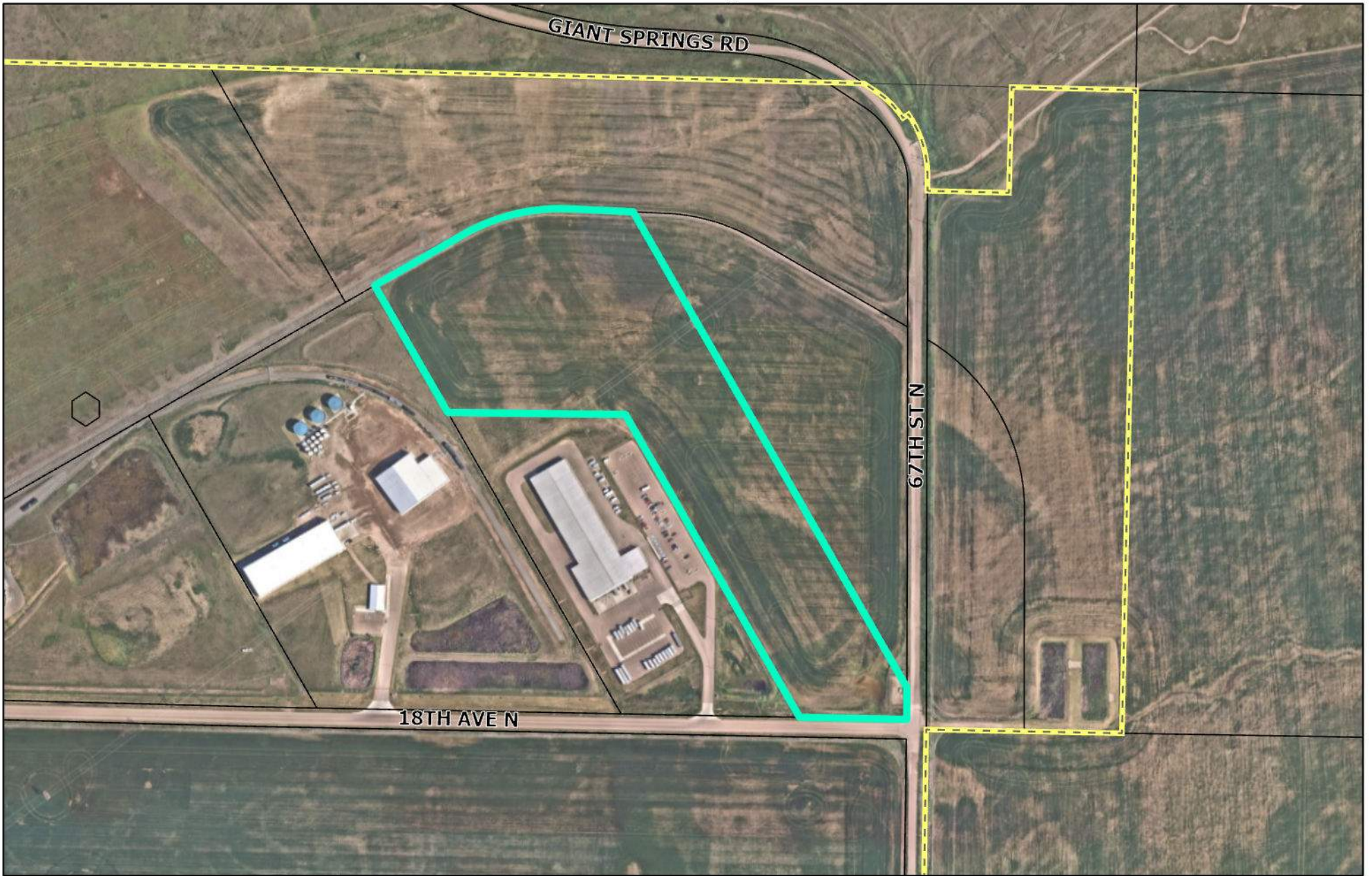
Subject Property

Agritech Park Subdivision

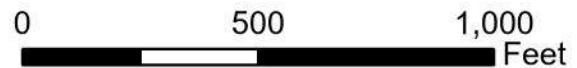
I-2 Zoned Development Area

N

Aerial Map



-  City Limit
-  Parcels
-  Subject Property - 6501 18th Ave N



17.16.36.040 Basis of decision.

The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that each of the following criteria have been satisfied:

1. The conditional use is consistent with the City's growth policy and applicable neighborhood plans, if any.
2. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.