

RESOLUTION 10096

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE HANDLING OF HAZARDOUS SUBSTANCES ON THE PROPERTIES ADDRESSED AS 6201 AND 6301 18TH AVENUE NORTH, AND LEGALLY DESCRIBED AS LOTS 3 AND 4, AGRITECH PARK ADDITION, SW ¼ AND SE ¼ OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M, CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, Helena Chemical Company, has petitioned the City of Great Falls for a Conditional Use Permit to allow for the handling of hazardous substances on the properties legally described as Lots 3 and 4, AgriTech Park Addition, SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the subject property is presently zoned PUD Planned unit development with an underlying I-2 Heavy industrial district wherein the handling of hazardous substances is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the handling of hazardous substances on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 24, 2015 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the properties addressed as 6201 and 6301 18th Avenue North and legally described as Lots 3 and 4, AgriTech Park Addition, SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, to allow for the

handling of hazardous substances on a portion of the site, subject to the following conditions:

General

1. **Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the approved plans and these conditions of approval is a violation of the OCCGF, subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
2. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
 - a. **Revised Plans.** Before making changes, the applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
 - b. **Dimensional Changes.** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
 - c. **Materials Changes.** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
 - d. **Public Works Changes.** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
 - e. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. ‘Substantial Change’ is defined here in order to clarify the contrasting term, ‘Minor Change.’ A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
 - f. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the

number of employees or operating hours, or changes in the types of materials present on the site, may void the conditional use permit. Proposed changes shall be submitted to the Administrator, who may require that the permit be amended following the same public process used for its adoption.

Planning

3. **Expiration:** The conditional use permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Conditional Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
4. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
5. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
6. **Outdoor Lighting:** An outdoor lighting plan shall be submitted to the Administrator for review and approval based on its compliance with the Land Development Code (Title 17, Chapter 40 of the OCCGF) and the outdoor lighting requirement of Ordinance 3097.
7. **Landscaping:** A landscape plan shall be submitted to Administrator for review and approval based on its compliance with Title 17, Chapter 40 of the City of Great Falls Land Development Code and the landscaping requirements of Ordinance 3097.
8. **Dust Control:** Prior to start of construction, including any earthwork, except for boring and drilling for soil samples, the applicant shall provide two separate Litter and Dust Control Plans: one that applies during construction and one for post-construction operations. The Litter and Dust Control Plan shall be reviewed and approved by the Director of Planning and Community Development.
9. **Platting:** Prior to issuance of building permits, an Amended Plat aggregating lots 3 and 4 of AgriTech Park Addition in the SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, MT., shall be submitted for review to the Planning and Community Development Department and be recorded by Cascade County Clerk and Recorder.
10. **Chemicals:** The applicant shall not handle or store ammonium nitrate or anhydrous ammonia at this site.

Building

11. **Building Plans:** The applicant shall provide a full set of building plans that includes, but not limited to, architectural plans to the Planning and Community

Development Department for review and approval, prior to the issuance of building permits.

Fire

12. **Building Plans:** The applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.
13. **Emergency Management Plan:** An Emergency Management Plan shall be approved by the Great Falls Fire Department before the Administrator issues a Certificate of Occupancy. This plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.

Public Works

14. **Civil Plans:** The applicant shall provide a full set of civil plans for review and approval by the Director of Public Works before zoning or building permits are issued by the Administrator. The applicant will provide a full set of as-built plans to the Director of Public Works within 90 days after completion of the approved work.
15. **Water and Sewer:** The civil plans shall be accompanied by estimates of the project's demand for water, including fire flows, domestic and industrial water demand, and wastewater discharge amounts.
16. **Initial Compliance On and Off Site Civil:** Developer or Applicant shall submit for review to the Public Works Department any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Public Works Department for review.
17. **Stormwater:** A Stormwater Management Plan and Report that is in full compliance with the OCCGF, the City's Storm Drainage Design Manual, and the additional requirements of Ordinance 3097 and the Revised Annexation and Improvement Agreement for the AgriTech Park shall be submitted to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator. The Developer shall secure any required Montana Pollutant Discharge Elimination System (MPDES) Stormwater Discharge Permit(s) associated with construction and industrial activities.
18. **Spill Prevention and Control Plan:** The applicant shall provide a Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before issuance of Certificate of Occupancy by the Administrator.
19. **Industrial Wastewater Survey:** The applicant shall provide an annually updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.

20. **Stormwater Pollution Prevention Plan:** The applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP) to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator, that meets the requirements of the Montana Department of Environmental Quality Multi-Sector General permit for Storm Water Discharges Associated with Industrial Activity (MTR000000) set forth in parts 3 (Special Conditions) of that permit.

Acknowledgement

21. **Acceptance of Conditions:** No zoning or building permit shall be issued until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

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

That a Conditional Use Permit be granted at the properties addressed as 6201 and 6301 18th Avenue North to allow the handling of hazardous substances, conditioned upon the owner complying with the said conditions; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on March 17, 2015.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney