

RESOLUTION 10181

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A UTILITY INSTALLATION UP TO 160 FEET IN HEIGHT UPON THE PROPERTY LEGALLY DESCRIBED AS TRACT 1A OF TRACT 1 OF COS 3347 LOCATED IN THE NE ¼ AND SE ¼ SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA.

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WHEREAS, The Public Works Department of the City of Great Falls requested a Conditional Use Permit to allow for the construction and operation of a Utility Installation upon a parcel of land legally described as Tract 1A of Tract 1 of COS 3347 located in the NE ¼ and SE ¼ Section 21, Township 20 North, Range 3 East, PMM, Cascade County, Montana (Subject Property); and,

WHEREAS, concurrent with this request, the Subject property was annexed and zoned Public Lands and Institutional (PLI), wherein the establishment and operation of a Utility Installation is permitted upon the processing and approval of a Conditional Use Permit; and,

WHEREAS, the Official Code of the City of Great Falls allows structures between 101 and 160 feet in height upon a parcel within a PLI zoning district, upon the processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the construction and operation of a Utility Installation between 101 and 160 feet in height upon the Subject 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 14, 2017 to consider said Conditional Use Permit application and passed a motion recommending the Conditional Use Permit for a Utility Installation up to 160 feet in height be granted for the Subject Property, subject to the following conditions:

1. **Changes in Use.** Conditional Uses are regulated as such because a use may, without conditions, have offsite impacts. Therefore, a significant change in the character or intensity of use may void the Conditional Use Permit. Proposed changes should be reviewed with the Administrator, who may require that the Permit be amended following the same public process used for its adoption.
2. **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 (1) year if substantial work is ongoing. The Administrator may issue a Temporary 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.
3. **Abandonment.** If the Conditional Use ceases to operate for more than six (6) months, the Conditional Use Permit is automatically voided.
4. **Height.** A structure up to 160 feet in height may be constructed upon the Subject Property, if approved by all other Federal, State and local agencies having jurisdiction.
5. **Landscaping.** Given the rural context of the Subject Property, it may be maintained in natural landscaping, with the exception of trees and shrubs, as approved by the Administrator at time of development. Onsite stormwater management facilities will be integrated into the site landscaping to the greatest degree possible.
6. **Exterior Lighting.** Lighting shall be designed to minimize light pollution and glare.
7. **Ingress/Egress.** Access and use of the Subject Property shall be via 38<sup>th</sup> Avenue SW and the utility easement on the east end of the Flying J Travel Plaza Addition. The access drive may be maintained in gravel until such time as adjoining properties annex and develop.
8. **Design Review Board Recommendations.** The proposed development shall be reviewed by and subject to recommendations by the Design Review Board.

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

That a Conditional Use Permit be granted at the Subject Property for a Utility Installation up to 160 feet in height, conditioned upon compliance with the conditions contained herein; 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 April 4, 2017.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney