

RESOLUTION 10545

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE HANDLING OF A HAZARDOUS SUBSTANCE, HYDROGEN SULFIDE (H<sub>2</sub>S), WHICH IS LISTED AS AN INGREDIENT OF ASPHALT, ON THE PROPERTY ADDRESSED AS 6501 18<sup>TH</sup> AVENUE NORTH, AND LEGALLY DESCRIBED AS LOT 6A OF AGRITECH PARK ADDITION, SW ¼ SE ¼ OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

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WHEREAS, Ponderosa Solutions LLC, has petitioned the City of Great Falls for a Conditional Use Permit to allow for the handling of hazardous substance, hydrogen sulfide (H<sub>2</sub>S), on the property legally described as Lot 6A, AgriTech Park Addition, SW ¼ SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the subject property is presently within a PUD Planned Unit Development zoning district with an underlying I-2 Heavy Industrial zoning 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 March 26<sup>th</sup>, 2024, 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 property addressed as 6501 18<sup>th</sup> Avenue North and legally described as Lot 6A, AgriTech Park Addition, SW ¼ SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, to allow for the handling of hydrogen sulfide (H<sub>2</sub>S) on site, subject to the following conditions:

**Conditions of Approval:**

- 1. 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.

2. **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.
3. **Expiration:** The conditional use permit shall expire one (1) year after the date of issuance, if the operation has not been established for the applicant's request. The Administrator may extend the expiration date by up to one year if substantial work is ongoing.
4. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
5. **Chemicals:** The applicant is specifically approved for handling hydrogen sulfide (H<sub>2</sub>S). Handling of any other hazardous substance will require a new public review and permitting process for such changes.
6. **Emergency Management Plan:** An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department before operation of the transloading facility commences. 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.
7. **Spill Prevention and Control Plan:** The applicant shall review and update if necessary the 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 operation of the transloading facility commences.
8. **Industrial Wastewater Survey:** The applicant shall provide an updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.
9. **Acceptance of Conditions:** The amendment will not go into effect until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

WHEREAS, the City Commission having allowed for proper public notice, conducted a

public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That a Conditional Use Permit be granted to allow for the handling of hydrogen sulfide (H<sub>2</sub>S) on site for the property addressed as 6501 18<sup>th</sup> Avenue North and legally described as Lot 6A, AgriTech Park Addition, SW ¼ SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OCCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OCCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

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 16, 2024.

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Cory Reeves, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David Dennis, City Attorney