

RESOLUTION 10565

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A CONTRACTOR YARD, TYPE I, LAND USE WITH AN ADDITIONAL ALLOWANCE OF UP TO 2,500 SQUARE FEET OF TEMPORARY STORAGE CONTAINERS, UPON THE PROPERTY ADDRESSED AS 3104 UPPER RIVER ROAD, GREAT FALLS, MONTANA.

\* \* \* \* \*

WHEREAS, Matthew McDonald, McD LLC, Owner, has petitioned the City of Great Falls for a Conditional Use Permit to allow for a “Contractor Yard, Type I”, land use with an additional allowance of up to 2,500 square feet of temporary storage containers, upon the property addressed as 3104 Upper River Road legally described as Lot 22 of McLean Garden Tracts, Section 23, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana; and

WHEREAS, the subject property is presently within the R-1 Single-family Suburban zoning district, wherein the use of a “Contractor yard, Type I” is permitted upon approval of a Conditional Use Permit; and

WHEREAS, the proposed Conditional Use Permit for establishing the use of a “Contractor yard, Type I” with additional allowance of up to 2,500 square feet of temporary storage containers, 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 25, 2025, 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 subject property to allow the establishment of a “Contractor yard, Type I” with an additional allowance of up to 2,500 square feet of temporary storage containers, subject to the following conditions:

**Conditions of Approval:**

- 1. Subsequent modifications and additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the

finding for one or more review criteria found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

- 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. Screening:** The applicant is required to screen the contractor yard from the public right-of-way prior to the establishment of the use of the contractor yard. A 6-foot-high, 100% opaque fence running north/south along the Upper River Road frontage shall be installed.
- 6. Buffer Between Uses:** In accordance with OCCGF 17.44.3.030(F), a minimum 15-foot landscape buffer shall be maintained where a non-residential use abuts a residential use.
- 7. Storage Containers:** Storage containers on site shall be temporary, and may not be located upon the subject property after forty-eight (48) months of approval of the conditional use. The total area of storage containers shall not exceed two thousand and five hundred (2,500) square feet. The containers shall be painted in colors that are natural with the surroundings and screened from the public right-of-way and shall be removed within 60 days upon final inspection of the shop structure construction.
- 8. Additional Access:** No additional driveways or accesses will be permitted for the use of a Type 1 Contractor Yard. The existing access off Upper River Road shall be the sole point of entry.
- 9. Stormwater management:** In accordance with OCCGF 13.24.080 (A), if a phased development plan results in 15,000 square feet or more of impervious surface coverage, or more than one acre of disturbance within the planning area,

the applicant must submit a drainage plan for review. The applicant shall submit a stormwater management plan for approval by the City's Public Works Department. Additionally, if the development disturbs more than 10,000 square feet, an erosion control plan for active construction must also be submitted to the City's Environmental Division for review.

**10. Licensing:** Before commencing operations of the contractor yard, the applicant must secure a business license from the City of Great Falls and ensure adherence to all applicable building, zoning, and fire safety regulations.

**11. Noise Limitations:** Per OCCGF 8.53.040 the applicant shall ensure that noise levels do not exceed 55dB(A) from 7:00 a.m. to 8:00 p.m. and 50 dB(A) from 8:00 p.m. to 7:00 a.m. at the property line.

**12. Parking:** The applicant shall provide off-street parking to accommodate employees and business activity.

**13. Future Development Permitting:** All future development permits shall comply with the codes and ordinances of the City of Great Falls, the State of Montana, and any other applicable regulatory agencies. The required plans and specifications will be reviewed by representatives from the City's Planning Division, Building Division, Engineering Division, and Great Falls Fire Rescue to ensure full compliance with all regulations.

**14. 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 CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That a Conditional Use Permit be granted to allow for a "Contractor Yard, Type I", land use with an additional allowance of up to 2,500 square feet of temporary storage containers, upon the property addressed as 3104 Upper River Road, Great Falls, Montana, 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 from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on April 15, 2025.

---

Cory Reeves, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

David Dennis, City Attorney