

RESOLUTION 10604

A RESOLUTION AMENDING RESOLUTION 10545 (CONDITIONAL USE PERMIT) TO ALLOW THE HANDLING OF ADDITIONAL HAZARDOUS SUBSTANCE, ON THE PROPERTY ADDRESSED AS 6501 18TH AVENUE NORTH, AND LEGALLY DESCRIBED AS LOT 6A OF AGRITECH PARK ADDITION LOCATED IN THE SW 1/4 AND THE SE 1/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, Ponderosa Solutions LLC, has petitioned the City of Great Falls to approve an amendment to an existing Conditional Use Permit to allow for the handling of additional hazardous substance, Diesel #2 Ultra Low Sulfur, RD99LC (renewable diesel), Sustainable Aviation Fuel (RJ100/SPK-HEFA), and Unleaded gasoline on the property legally described as Lot 6A, AgriTech Park Addition located in the SW ¼ and the SE 1/4 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 modification to the existing Conditional Use Permit to allow for the handling of additional 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 September 23, 2025, to consider said amendment to the existing Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending the City Commission approve the amendment to the existing Conditional Use Permit be granted for the property addressed as 6501 18th Avenue North and legally described as Lot 6A, AgriTech Park Addition located in the SW ¼ and the SE 1/4 of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, to allow for the handling of hydrogen sulfide (H₂S), Diesel #2 Ultra Low Sulfur, RD99LC (renewable diesel), Sustainable Aviation Fuel (RJ100/SPK-HEFA), and Unleaded gasoline on site, subject to the following conditions:

Conditions of Approval:

1. **Subsequent Modifications:** Any future expansion or modification of the approved conditional use must be reviewed by the Director of the Planning and Community Development Department. If the Director determines in writing that the proposed change would alter one more of the original findings or review criteria, the modification shall require submittal and approval of a new Conditional Use Permit application.
2. **Regulatory Compliance:** The facility shall comply with all applicable federal, state, and local regulations governing the storages, use, transport, and disposal of the approved hazardous substances, including but not limited to, requirements established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Transportation, the State Department of Environmental Quality, the International Fire Code, and all relevant provisions of the City of Great Falls Municipal Code.
3. **Expiration:** 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.
4. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
5. **Hazardous substance, material, and/or Chemicals:** This approval specifically authorizes the applicant to handle the following hazardous substances, as described in the application materials: Hydrogen sulfide (H₂S), Diesel #2 Ultra Low Sulfur, RD99LC (renewable diesel), Sustainable Aviation Fuel (RJ100/SPK-HEFA), and Unleaded gasoline. The use, storage, or handling of any additional hazardous substances, materials, chemicals, or fuel types not expressly listed in this or any prior City approvals shall be prohibited unless and until a new public review and permitting process is completed and approval is granted by the City Commission.
6. **Emergency Management Plan:** An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department prior to the implementation of any amendment authorizing the handling of additional hazardous substances. The plan shall be reviewed annually in conjunction with the applicant's Safety Inspection Certificate (SIC) and revised as necessary to maintain compliance with the City's adopted fire code and all 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 the requested operations can take place.
- 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 CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That an amendment to the existing Conditional Use Permit be granted to allow for the handling of Hydrogen sulfide (H₂S), Diesel #2 Ultra Low Sulfur, RD99LC (renewable diesel), Sustainable Aviation Fuel (RJ100/SPK-HEFA), and Unleaded gasoline on site for the property addressed as 6501 18th Avenue North and legally described as Lot 6A, AgriTech Park Addition located in the SW 1/4 and the SE 1/4 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 November 4, 2025.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney