

MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
March 26, 2024

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:00 p.m. in the Commission Chambers at the Civic Center

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, March 26, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

Planning Board Members present:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Julie Essex

Samantha Kaupish

Jake Schneiderhan

Planning Board Members absent:

Lindsey Gray

Pat Green

Planning Staff Members present:

Brock Cherry, Director Planning and Community Development

Lonnie Hill, Deputy Director Planning and Community Development

Rachel Campbell, Permit Technician

Kayla Kryzsko, Assistant City Planner

Jamie Nygard, Sr. Administrative Assistant

Other Staff present:

David Dennis, City Attorney

Mr. Cherry affirmed a quorum of the Board was present.

MINUTES

Chair Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on February 13, 2024. Seeing none, the minutes were approved.

COMMISSION ACTIONS REQUIRING A PUBLIC HEARING

Conditional Use Permit (CUP) to allow handling of a hazardous substance, hydrogen sulfide (H₂S), which is listed as an ingredient of asphalt, for the property addressed as 6501 18th Ave N and legally described as Lot 6A of AgriTech Park.

Lonnie Hill, Deputy Director, presented to the Commission. He stated that the applicant, Ponderosa Solutions LLC, was requesting a Conditional Use Permit to allow handling of a hazardous substance on the 19.9 acres at 6501 18th Ave N. The site is zoned Planned Unit Development (PUD).

Mr. Hill presented an Aerial Map, Zoning Map, Site Photos, and Preliminary Site Plan.

Mr. Hill stated that the proposal was for transloading and miscellaneous rail services for local customers. The commodities would include asphalt, lumber, drywall and other building materials, grains for livestock feed, aggregates, packaged goods that include food and merchandise.

Mr. Hill stated that Ponderosa Solutions could offer other common transload rail services as well, such as graffiti cleaning, stencil repairs, railcar heating, railcar cleaning, equipment repair and maintenance, etc.

Mr. Hill gave the board some background on AgriTech Park and stated that it was approved by City Commission in 2012. Resolution 9993 was the annexation of 193.7 acres and Ordinance 3097 assigned PUD zoning with underlying zoning of I-2, Heavy industrial. He stated the intent was to provide “shovel-ready” heavy industrial rail-served lots.

Mr. Hill stated the CUP request was for a transloading facility to transload asphalt, which is defined as a “freight terminal” land use within Title 17 of OCCGF. A freight terminal is a permitted land use upon the subject property. 17.20.3.060 states that certain land uses shown as permitted may be a conditional use on any use that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substance and shall be considered a conditional use in every circumstance.

Mr. Hill stated that the applicant states that the asphalt is non-penetrating, non-flammable, and non-combustible, and therefore it is low-risk when handling.

Mr. Hill stated the project is located within Neighborhood Council #4 and they were notified of the request and the applicant is presenting to them on March 28, 2024. Their recommendation will be presented to City Commission.

Mr. Hill presented the Basis of Decision – Conditional Use Permit

1. The zoning and conditional use is consistent with the City’s Growth Policy and applicable neighborhood plans, if any.
 - Economic Policy 3.4 – Continue efforts to expand, retain, and attract new business to Great Falls
 - Physical Policy 4.2 - Implement the City’s land use codes to protect the health, safety, and welfare of its residents.
2. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
 - The CUP allows the City to review the request and place appropriate conditions to help mitigate or reduce the total off-site impacts a project may have on the surrounding properties and environment.
 - The conditions listed under the Conditions of Approval apply specific measures to protect the health, safety, and general welfare of the public.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
 - The property is within an approved industrial park that is designed to accommodate heavy industrial uses.
 - The surrounding properties have similar heavy industrial uses.
 - The proposed project will meet all the development standards in the PUD Ordinance and underlying I-2 zoning district.
 - The conditions imposed on the project should mitigate any potential harmful effects on Giant Sprints State Park and nearby environmentally sensitive areas.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - The conditions of approval are proposed to minimize all effects on the surrounding area to be developed.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
 - Ingress and egress to the proposed facility can be served through the existing rail line to the north and vehicular access to 18th Avenue North.
6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.
 - The proposed project will conform to the applicable regulations of the PUD Ordinance and underlying I-2 zoning district and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

Mr. Hill presented the 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 is hereby authorized to permit minor changes. The Administrator is the City employee assigned by the City Manager to administer conditional uses.
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 for adoption.
3. Expiration: The conditional use permit shall expire one 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 months, the conditional use permit is void.
5. Chemicals: The applicant is specifically approved for handling hydrogen sulfide (HS₂). 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. The 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 the conditions of approval.

APPLICANTS PRESENTATION

Frank Paolucci, with Ponderosa Solutions LLC, thanked staff for their effort and assistance. He stated that the project has been in the works for almost 4 years. They look forward to bringing other business opportunities to Great Falls as well.

PUBLIC QUESTIONS

None

BOARD QUESTIONS TO APPLICANT

None

PROPONENTS

Jolene Schalper, Great Falls Development Alliance, thanked staff for their due diligence and stated that they are in full support of the project. She stated that the project is in congruency with the AgriTech Park and that the company is a good business partner for the community. She also stated that the request is an appropriate use of the conditional use permit process. She also added that AgriTech Park has the only shovel ready, heavy industrial, rail served sites, in Cascade County.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

Mr. Bertelsen stated that the Conditional Use Permit will entice other businesses to transload in the area and that it would be a great addition to the community.

MOTION: That the Zoning Commission recommend the City Commission approve the Conditional Use Permit as legally described in the Staff Report and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Mills

Second by: Mr. Schneiderhan

Vote: All in favor, the motion passed 5-0

COMMUNICATIONS

Mr. Cherry announced to the Board that Lonnie Hill is the new Deputy Director for Planning and Community Development.

Mr. Cherry gave an update on the Growth Policy Update and stated that staff is working on getting a steering committee assigned. The Planning Board will play a large role in it.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 3:30 p.m.

CHAIRMAN DAVE BERTELSEN

SECRETARY BROCK CHERRY