

**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
July 10, 2012**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission on July 10, 2012 was called to order by Chair Bill Roberts at 2:58 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Mr. Bill Roberts
Mr. Marty Byrnes
Mr. Scot Davis
Mr. John Harding
Dr. Heidi Pasek
Ms. Cheryl Patton
Mr. Wyman Taylor
Mr. Nathan Weisenburger

Planning Board Members absent:

Mr. Thor Swensson

Planning Staff Members present:

Mr. Mike Haynes, AICP, Planning & Community Development Director
Ms. Jana Cooper, Planner II
Mr. Andrew Finch, Senior Transportation Planner
Ms. Galen Amy, Planner I
Ms. Phyllis Tryon, Sr. Administrative Assistant

Others present:

Mr. Dave Dobbs, City Engineer
Mr. Jim Young, City Engineer
Ms. Patricia Cadwell, Neighborhood Councils Coordinator

Mr. Haynes acknowledged the Mayor and some City Commissioners were present. He affirmed a quorum of the Board was present.

Action Minutes of the Planning Advisory Board/Zoning Commission. Please refer to the audio/video recording of this meeting for additional detail.

MINUTES

Chair Roberts asked if there were any changes to be made to the minutes of the public hearing and regular meeting held on June 26, 2012. The minutes were received as submitted.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Agri-Tech Park – Annexation, Zoning and Preliminary Plat

Mr. Haynes, Director of Planning & Community Development for the City, reviewed the staff report on the application for annexation, zoning and preliminary plat by the Great Falls Development Authority (GFDA) for Agri-Tech Park, a proposed rail-served heavy industrial park. Mr. Haynes stated he was entering the staff report into the record. The subject property is generally located north of 18th Avenue North, both east and west of 67th Street North and comprises ±196.549 acres, of which ±193.684 is proposed as industrial lots and ±2.865 is the right-of-way of 67th Street North. The subject property is currently zoned County I-2 Heavy Industrial and Agricultural. The proposed zoning requested by the applicant is City I-2 Heavy Industrial.

Mr. Haynes said he was introduced to this project in January 2010 where questions were raised regarding the suitability of the location for industrial development, impacts on cultural and environmental resources, and the financial feasibility of the project considering the expense of extending rail, water and sewer services. Over the next two years a number of pre-development and pre-application meetings were held. Mr. Haynes said the City offered a draft Annexation Agreement for GFDA in February of 2012, which is not typically done before approval of a project by the Planning Advisory Board/Zoning Commission (PAB/ZC). That did not help the parties reach agreement, so it was agreed that staff would draft Conditions of Approval and the Applicant would address PAB/ZC with any conditions they believed were not appropriate or necessary. The formal application was received by City staff on May 17, 2012.

Mr. Haynes said it was clear at a GFDA Board meeting on June 29, 2012, that there were other options for this property and this was not necessarily the preferred option. However, it is the option before the Planning Advisory Board today.

Mr. Haynes stated that adequate Conditions of Approval need to be established for this project and that Land Development Code (LDC) standards are a minimum, but are not sufficient in this case. He said it was also important to establish a process for review and approval of actual development plans. He said two questions need to be addressed: is industrial development appropriate in this location, and if so, what Conditions of Approval need to be applied?

Mr. Haynes explained that the applicant inquired whether similar Conditions of Approval have been applied to other projects, whether the LDC already in place regulates industrial development, and why the review of specific development plans is necessary. Mr. Haynes further explained that the only other rail-served heavy industrial park application staff has reviewed is Great Bear Innovation Park, and there are few similarities between the two projects. Great Bear Innovation Park expanded an existing TIF district, and the applicant committed to a Master Plan, internal roadway plan, and master drainage/storm water system plan to mitigate downstream storm water impacts, and most importantly is in a different location with different drainage and environmental impacts.

Mr. Haynes reviewed I-2 Heavy Industrial zoning standards and said they are clearly insufficient for the proposed project. He explained that typical lot sizes in the city are 7,500 s.f., whereas this proposed project is over 1,000 times that size. Additionally, up to 85% of I-2 Heavy Industrial locations can be paved over, but given this location's soil and stormwater impacts, that will not work for this project. He noted other standards that could pose a problem, including setbacks, landscaping, and signage, and said that I-2 Heavy Industrial zoning is exempt from the Design Review process. He explained also the reasons why it would be beneficial to have design review standards and a Specific Parcel Master Plan (SPMP) process for prospective buyers of lots.

Mr. Haynes said the subject property is contiguous to the City, as it borders the as of yet undeveloped ethanol plant site. Staff recommends lots 1-8 be zoned I-2 Heavy Industrial, but that lots 9-10 initially be zoned Parks and Open Spaces generally consistent with the Cascade County AG designation. He reviewed photographs of the property and an aerial map of the area showing the proximity to Giant Springs State Park, the Lewis & Clark Interpretive Center, and the River's Edge Trail.

Mr. Haynes said that the applicant gave a presentation to Neighborhood Council 4 on August 25, 2011, and Patty Cadwell, Neighborhood Council Coordinator, again presented information to that Council on June 27, 2012. There was no significant comment received from the Neighborhood Council at that time. There are other written public comments included in the staff report. Both GFDA and City P&CD staff have made presentations and fielded questions about this proposed project to various groups, including environmental, recreational and preservation groups. Staff has also received telephone calls from citizens inquiring about the project.

Mr. Haynes reviewed some of the recommended Conditions of Approval and spoke about the concerns regarding drainage and Whitmore Ravine, which already has serious environmental issues and which will see increased drainage from this project. As noted in the staff report, it may cost over \$10 million to resolve the current situation with the ravine. He noted that once the subject property is annexed into the City, the City will be responsible to address substandard conditions. He also reviewed staff concerns for Lots 1 and 8, and explained the benefits of developing an SPMP process.

Mr. Haynes reviewed staff recommendations and the next procedural steps for the applicant should this proposed annexation be approved. He reiterated that this is not an ideal location for I-2 Heavy Industrial development, and that the Conditions of Approval and the proposed SPMP process will help to mitigate impacts of the project. He noted that this type of development should not occur at the expense of the community. Mr. Haynes concluded his presentation and offered to answer questions from the Board.

Mr. Harding asked what the preferred option for this property might be. Mr. Haynes stated there are alternate proposals for 1 or 2 large lots, discussion about development east of 67th Street North, and other options on the drawing board.

PETITIONER'S PRESENTATION

Brett Doney, Great Falls Development Authority, 300 Central Avenue, presented the Board with revised Recommendations. The Recommendations are incorporated into the Minute Book. He stated that this afternoon, the Board will decide larger things than just an industrial subdivision.

He posed the question, "What is Great Falls and what is Great Falls going to be?" He said that GFDA and the City Planning staff have a very different conception of what Great Falls is, whether we have adequate land use controls or whether we need more stringent land use controls, what are the opportunities to remain viable as a community, and who GFDA is. He said GFDA is the Great Falls community.

Mr. Doney explained why Great Falls needs "shovel ready" heavy industrial sites. He said there has not been a heavy industrial park built in Great Falls since the 1970s. He explained that heavy industries in Great Falls have no room to grow, and companies looking at Great Falls want rail and shovel ready industrial parcels. He stated there may be 5 or 6 immediate prospective customers for this site, and then lot sales may average about 1 or 2 per year. Over 20 years, that can change the complexion of the Great Falls economy.

Mr. Doney stated that GFDA was created to address the three biggest economic challenges of the City. One is that Great Falls has not grown while other Montana communities have grown. Another is that the Great Falls economy needs to diversify and not rely on Malmstrom Air Force Base. He said 10% of the Billings economy is manufacturing, while in Great Falls it is 3%. He noted that the April 20, 2012 Moody's Analytics metro projection report shows that in the last six years, Great Falls has done better than projected in growth, but the projection forward to 2016 ranks Great Falls in job creation at 391 of 392 metro communities.

Mr. Doney said GFDA has worked on development of the Malt Plant site for three years, but investors said that after three years, there are still no lots. He said GFDA will continue to support industrial development at that location and gave details of that support. He stated the Agri-Tech Park site is ideal, although not perfect. He addressed a number of advantages and challenges related to this development. Advantages include distance from City residents and being located downwind, as well as rail proximity, water, sewer, and road access. He stated that GFDA plans to continue heavy industrial development in the area. Challenges related to this site include storm water drainage. Mr. Doney said GFDA proposes to meet a standard much more stringent than the City's storm water standard. He said that GFDA will be in a position to work with MAFB to help resolve the Whitmore Ravine problem. Mr. Doney spoke regarding citizen concerns for the preservation of the River's Edge Trail. He said he has suggested some money from the sale of each of the industrial lots on a per acre basis be put in a trail maintenance fund, and that screening would not have much impact. He addressed the issue of risk to the City. He said there are grinder pumps proposed for the first four lots, and he inquired of Public Works Director, Jim Rearden, about what would need to be done if they never get to the lift station on 18th Avenue North. Mr. Doney said that he was told this would not be a problem.

Mr. Doney said it is possible lots on this project could be sold by September. He talked about infrastructure and financial viability, and noted HUD grants and various governmental agency and GFDA investor commitments to the project. He explained why he was not in favor of a Specific Parcel Master Plan, suggested zoning and ordinances be changed if they are not strict enough, and asked for clear standards for development.

Mr. Doney reviewed the red-lined version of Recommendations that he had handed to the Board. He said GFDA needs to develop all 10 lots in order for this project to be financially viable, citing road construction and sewer lift station costs. He also said GFDA plans on coming to the Board in the future with development proposals for land east of 67th Street North. He said it doesn't seem fair for the City to require GFDA to be completely responsible for building and

maintaining in perpetuity a storm water system while also paying \$51,000 in storm water fees. He said GFDA will agree to that but asks that the fees can be paid as lots are sold.

Mr. Doney continued to explain the reasoning behind the red-lined edits on the document. He explained that the City's suggested prohibited uses were too vague and therefore red-lined. In light of the Whitmore Ravine problem, he said GFDA plans on detaining water on site, and that the details still need to be worked out. He said GFDA takes exception to a comment on park covenants in the staff report, and that GFDA has never refused them. He said they look forward to working out park covenants, but that this is a heavy industrial park and lighting and color standards can vary. He said GFDA would like some flexibility so that prospective industry will not be held up, yet without putting the City at risk on infrastructure. Mr. Doney noted GFDA does not believe they need to install crossing arms at railroad crossings. He said there is no signalization at 52nd Street, which is okay since traffic is slow at that location. Concluding his review of the red-lined document, Mr. Doney said GFDA was proposing a 50-yard buffer zone along the northern boundary of the subject property.

Mr. Doney concluded his presentation, stating GFDA has been working with the Montana Department of Fish, Wildlife and Parks on storm water concerns.

Chair Roberts asked for questions from the Board for Mr. Doney. Mr. Byrnes said it seemed that the points presented could be handled through a development agreement. Mr. Doney agreed but said that in the process of working on draft details, GFDA had delivered proposed changes to the City on April 26, 2012 but had not heard back. He said GFDA looks forward to sitting down with the City and working out details. Ms. Patton asked if it was correct that GFDA was not willing to establish development standards or commit to establishing a property owners' association. Mr. Doney said that was incorrect, and that GFDA is willing to have covenants that ride with the lots, but was not sure if there was going to be anything for a park association to own. Ms. Patton noted that the City does not enforce covenants, and Mr. Haynes confirmed that statement, noting it is a private matter. Ms. Patton stated that if parcel owners do not abide by covenants, the only enforcement mechanism is for other property owners in that group to sue. Mr. Doney said GFDA hasn't begun drafting covenants, but that having covenants that cannot be enforced does not make sense.

Mr. Byrnes asked about water and sewer extensions. Mr. Doney said water is in to the first few lots, and GFDA has issued notice of award for sewer, and the work should be done this summer. He said they are close to serving the first four lots with water and sewer. He said storm water drainage and the 2-inch paving overlay on 52nd Street North need to be done. He said that after Lot 4, they can put in the sewer lift station and can then continue with Lots 5 and 6. He said, they will need to rebuild 67th Street North before bringing water and sewer up for additional lots. Mr. Byrnes asked if this was being done by GFDA or if there was a partnership with landowners. Mr. Doney explained there is a partnership with Loy Trust in which GFDA has a 20-year option agreement which allows GFDA to exercise it on a square foot basis. He explained details of that agreement. Ms. Patton said she was confused why GFDA, as a public-private partnership, is competing with Great Bear as a private development and not supporting that project. Mr. Doney said GFDA is supporting that development in every way they can, but was sued by the developer over rail spur issues at that location. He said the goal is shovel ready lots, and today they don't exist. He noted it costs \$800,000 to put in the rail switch to Lot 1 on the proposed industrial park.

Mr. Harding noted that Mr. Doney had asked the Board to recommend approval on the red-lined recommendations today and asked why there is a such a sense of urgency. Mr. Doney said there are businesses waiting to hear on this matter, and not all are patient. One such business would like to have their company operational in May. He noted that if this is approved today, they will be lucky to have it finalized by Halloween. Mr. Harding asked that Mr. Haynes clarify if approval means it moves forward to City Commission. Mr. Haynes affirmed it does.

Chair Roberts explained for the benefit of those in attendance that this Board is an advisory Board to the City Commission which makes recommendations based on information presented. He pointed out that City Commission may accept or reject this Board's recommendations. He noted the substantial red-lined amendments, which Board members had not seen before the meeting.

COMMENTS BY PROPONENTS

Olie Stimac, 57 Country Lane, Great Falls, representing North Central Building and Construction Trades Council, stated that good paying industrial jobs with benefits are important. He encouraged the board to approve the request.

Dave Paris, 32 Buffalo Drive, Great Falls, stated that his fear is lack of growth and possible closure of Malmstrom AFB. He compared Great Falls with Billings. He stated the Agri-Tech development needs to happen.

Brad Talcott, 2801 4th Avenue North, Great Falls, stated he has significant investment in the West Bank and would like to see MSM move to a more suitable location in the community. This is an opportunity for the City to move forward. There are no perfect industrial sites. This is the best opportunity for industrial development.

Richard Slotness, 415 US Highway 87, Great Falls, representing MaltEurop, stated that the City had been a good partner to MaltEurop. He would like to see opportunity for people to stay in Great Falls and get good paying jobs and more tax dollars for schools and services.

Jeff Millhollin, 123 Big Bend Lane, Great Falls, representing Pacific Steel and Recycling, stated that an industrial park with rail is rare and important. He encouraged approval.

Gene Thayer, 220 40th Avenue South, Great Falls, incoming president of GFDA, encouraged the board to support the request with the amendments put forward by the applicant. He stated that there are companies ready to move to Great Falls if there are industrial sites available to locate here.

Jerry Rukavina, 300 24th Avenue South, Great Falls, representing the Central Montana Central Labor Council, stated when Great Falls was a vibrant community it had vibrant businesses and good jobs. He stated that businesses are needed to maintain the vibrancy of the community.

Ed Leppien, 88 Elk Drive, Great Falls, representing Pacific Steel and Recycling, stated they would like to relocate their business to Agri-Tech. Their existing location at 3rd Street NW is surrounded by retail and difficult to operate from.

Tom Alfrey, 1120 21st Avenue SW, representing the Chamber of Commerce, encouraged the

board to approve the project that is in line with the Chamber's vision.

Al Ekblad, 137 Gerber Road, Great Falls, Executive Secretary of the Montana State AFLCIO, restated that the economic base of Great Falls is only 3% industrial. We need better paying jobs with benefits and industrial is the more likely to provide that.

Eric Bliss, 304 30th Avenue NE, Great Falls, stated that graduates of local trade schools should be able to find jobs in Great Falls.

Steve Gross, 1112 7th Street South, Great Falls, representing the International Union of Operating Engineers, stated they have 300 members in this community who desire to see growth. He asked for the Board's support for the proposal.

Erling Juel, 1800 River Drive North, Great Falls, with TD&H Engineers, stated that they believe in GFDA's efforts to grow Great Falls and in this project. He suggested the Planning Board encourage all the stakeholders to get together to resolve outstanding issues.

Dave Cunningham, representing US Forest Service, stated that he is not a proponent or opponent of the project. The area next to the Agri-Tech Park contains many of Great Falls' special places, including the Interpretive Center. He expressed a desire that standards be placed to manage storm water, air quality, noise, lighting, vistas and traffic. He wants an industrial park that is the envy of other communities.

Art Dickhoff, 3027 3rd Avenue North, Great Falls, supports economic development and this project but only with protection of the river and the riverfront.

COMMENTS BY OPPONENTS

Andree Deligdisch, 3016 Central Avenue, stated that she has lived in Great Falls for 54 years. She is opposed to the heavy industrial in the proposed location and does not believe that the board has adequate time to consider the amendments just provided by the applicant.

Matthew Marcinek, 3701 4th Avenue North, Great Falls, Regional Park Manager for Montana State Parks, representing Giant Springs State Park at 4600 Giant Springs Road, stated they are not against economic development; in fact, they generate economic development. He summarized their written concerns that adequate protections be provided for storm water runoff, viewshed impacts, noise, light, traffic and litter. He mentioned GFDA's recent reference to the first industrial development in Great Falls being close to Giant Springs, noting that the environmental clean-up of that site cost \$2.1 million.

Kathleen Gessaman, 1006 36th Avenue NE, Great Falls, asked whether impacts on the NE interceptor has been addressed. City Engineer, Dave Dobbs, stated that has been discussed with GFDA's engineers. Flows from Malmstrom AFB have actually been reduced, providing more capacity than previously estimated. A threshold will be established, over which improvements to the sewer system will need to be made by the applicant. In response to a question from Marty Byrnes, Dave Dobbs confirmed that potable water was the least concern of Public Works. Mrs. Gessaman agreed with concerns expressed by the two previous speakers.

Hilary Lewin, 2304 2nd Avenue South, stated the proposed location is not the place for heavy

industry. She stated the place for industrial development is the site north of the river. The impacts to the area around Agri-Tech cannot be mitigated.

Diane Stinger, 1400 4th Avenue NW, with Missouri River Citizens, gave a letter to the Board on behalf of that group stating they are against the proposed Agri-Tech Park. The letter is incorporated into the Minute Book. She stated that this project is in opposition to goals of development in city plans intended to protect quality of life. Visitors come to Great Falls to see the River's Edge Trail, the Lewis & Clark Interpretive Center, Giant Springs State Park and the "great falls." Service sector jobs are important. She encouraged the board to deny the application.

Michael Witsoe, 510 11th Street South, expressed opposition to an industrial park next to the river.

Ron Gessaman, 1006 36th Avenue NE, Great Falls, stated opposition to the project. He stated that the project is in the wrong area and referenced the letter of opposition from Cascade County. He stated that questions about the project have not been answered because they are unanswerable.

PUBLIC COMMENT

Joe Stanek, P.O. Box 443, Hawaii, stated there already is an Ag-Tech Park in Great Falls - the Central Montana Ag-Tech Park. He stated he has annexed 125 acres and has paid for engineering. He stated that to represent there are no "shovel-ready" sites is inaccurate. His property is in an existing TIF District and does not have the same environmental constraints. He offered his property to GFDA at cost or less.

Stuart Lewin, 615 3rd Avenue North, stated that he supports the Agri-Tech Park but not in the proposed location. He expressed concerns about additional traffic in the river corridor. He stated mitigation measures will not provide needed protections. He stated there are five superfund funds in this bend in the river and does not want to create another one. He expressed concerns for impact on taxpayers.

Katie Hanning, 3217 4th Avenue North, stated that Pacific Steel and Recycling supports the Great Falls community, and stated, "Don't turn your back on them."

A copy of a letter of comment from PPL Montana, LLC, was presented to the Board by City staff prior to the meeting for inclusion as a part of the Board packet. The letter states, "Our primary recommendation for the proposed Agri-Tech Industrial Park is for incorporation of adequate storm water plans and controls into the design of the industrial park for protection of adjacent lands from increased surface runoff and erosion, as well as increased groundwater flow." The final paragraph states: "PPL Montana recognizes the efforts of the City of Great Falls for thorough planning and development of the Agri-Tech Industrial Park, and encourages the thoughtful, balanced development of the industrial park in a manner that protects existing recreational amenities on adjacent lands."

PETITIONER'S CLOSING COMMENTS

Mr. Doney stated that red-lined changes on the Recommendations submitted to the Board were

the same as when submitted to the City on April 26, 2012, with the exception of the turn-around at the end of 18th Avenue North. He said GFDA is not aware of any jobs being threatened by this project. He stated that GFDA is sensitive to the Lewis & Clark Center, and many supporters of this project also support the Center. He noted that a TIF district pays less tax revenue for a limited period of time, taxes would still be collected, and a 15-year bond would be issued. He said Great Falls is eligible for EDA money because the 564th Missile Squadron closed and recently, the EDA decided the City of Great Falls should be a co-applicant.

He explained that rail lines are going to be near the river unless they go miles out of the city, which is prohibitive. GFDA is working within the service constraints of the railroad for this project. He said there are 2,500 unemployed in Great Falls, and more people working without benefits and for low pay who are looking for better jobs.

Mr. Roberts asked for clarification on who owns the land for this project. Mr. Doney said Loy Trust is the owner.

Mr. Haynes stated for clarification that staff had worked with GFDA for 2½ years and invested hundreds of hours of staff time. For the past 1½ years, staff has suggested that GFDA make an application, which they finally did in May 2012. Staff agreed to work on an annexation agreement prior to coming to the Planning Advisory Board, which is not normal procedure. However, every meaningful condition of approval was deleted by GFDA. After several similar exchanges with GFDA, Mr. Haynes said he realized this process was not working and as of April 26, 2012 suggested GFDA proceed with application and let the PAB and City Commission listen to staff and the applicant and determine reasonable conditions of approval. He said that it is not preferred to hold public hearings with the applicant and staff being far apart on conditions of approval, but that is the situation in this instance.

BOARD DISCUSSION AND ACTIONS

Chair Roberts called for Board discussion. Mr. Harding said he is inclined to move this project forward. He noted that staff is recommending approval of this project, and that at issue are the conditions of approval. He said he has been involved in the Missouri River Corridor Plan and it stops well short of this proposed project area. He said this project does not infringe on that plan. He suggested the Board work through the conditions of approval, move it forward to City Commission, and give staff and GFDA two weeks to finalize the conditions. He said he agreed with GFDA requesting all the lots be open for development but noted there are about 20 conditions to review. He suggested the Board discuss some key items and invited input from the Board on how they might address the application.

Ms. Patton stated that staff was not saying the two lots could not be developed, but that they should be zoned POS until such time as a developer comes forward and the lots can be evaluated for that developer's use because of that area's significance. She said County and Fish, Wildlife and Parks also addressed those two lots in their recommendations, and said she was inclined to support staff's recommendations on this condition.

Mr. Harding said Whitmore Ravine will be scrutinized by Fish, Wildlife and Parks (FWP) and EPA, and other concerned groups being deeply involved. Mr. Byrnes said he thought part of the concern with the two lots was that they could be a buffer. There was discussion about the City's

intention on the conditions of approval for the lots to be designated POS, and whether that could be light industrial zoning instead.

Mr. Doney said GFDA has suggested a 50-yard buffer along Lots 1-8, and could also offer a 50-yard buffer along the northern edge on the other side of 67th Street North. He explained that in order for Lots 5 and 6 to be built, a sewer lift station must be installed. If they can't build on Lots 8, 9, and 10, he said that essentially it becomes a 4-lot subdivision, and talked about the economic difficulties of installing lift stations and rail for only four lots. He said there are companies interested in this project and the zoning issue is immediate.

Chair Roberts stated he was not comfortable with making a decision of this importance without having time to review the red-lined document. He asked the Board if they were comfortable with proceeding, and there was a consensus to move forward. Mr. Roberts then stated he would agree to move forward but was not comfortable doing so. Ms. Patton stated she had been comfortable approving the project with the conditions outlined by staff, since the developer did not want to set development standards for the entire project. She said if the developer was willing to develop standards, staff could negotiate standards with consideration of the issues addressed by FWP and the Missouri River Citizens group. She said she did not think it was the job of the Board to work through all the conditions of approval without staff input. She suggested staff prepare something to bring back to the Board. She added that if the Board was to vote on Mr. Doney's submitted recommendations, she would vote against.

Mr. Harding said this matter has been on-going, and staff and GFDA were present now to answer questions. Ms. Patton stated the Board are not engineers, and she wanted to ensure the City was protected. Dr. Pasek stated that in the essence of time at this meeting, she wondered if it was possible to work through all the conditions. She asked how it would impact the project if the discussion was delayed to the next Board meeting. Mr. Harding reaffirmed there is enough information at hand and he would like to move forward and let the City Commission make the ultimate decision.

There was further discussion about having Mr. Harding review some of the conditions before deciding whether to move forward. Chair Roberts invited P&CD Director, Mike Haynes, to participate in discussion. Mr. Haynes agreed and suggested staff from Public Works also participate. After a brief recess, Dr. Pasek made a motion as follows:

MOTION: That the Planning Advisory Board recommend the City Commission approve the annexation of AGRI-TECH PARK ADDITION, a tract of land located in GLO Lots 8 and 9, the SE ¼ and SW ¼ of Section 34, Township 21 North, Range 4 East, Cascade County, Montana containing ±196.549 acres, subject to the conditions of approval being fulfilled by the applicant.

Second: Ms. Patton

Mr. Harding said that if this motion moved forward to City Commission, the project likely will not go forward. He encouraged the Board to help find a compromise between GFDA and the City, and said he would not vote for this motion. Mr. Davis agreed with Mr. Harding and stated that agreeing with this motion was no different than tabling the issue. Ms. Patton noted that GFDA could still present their recommendations to the City Commission. Mr. Byrnes stated he had been prepared to vote on the conditions of approval as stated in the staff report with the understanding they had been negotiated by both sides. He said it is the responsibility of this

Board to have the matter cleaned up before it moves to City Commission. He agreed that moving forward as matters stand may kill the project. He suggested working the matter out now with some representatives of the Board as well as City staff and staff of GFDA. Ms. Patton asked if Mr. Byrnes was suggesting that some Board members sit with City staff and GFDA staff and help resolve the issues, and he affirmed. Ms. Patton withdrew her second on the motion on the table, and Dr. Pasek withdrew her motion.

Mr. Taylor said the key was related to the zoning of Lots 9 and 10. Mr. Haynes said that the County was not in favor of zoning the lots heavy industrial and the City had concerns over further degradation of Whitmore Ravine. Mr. Harding inquired if the same standards were to be applied to all the lots, including 9 and 10, in relation to storm water discharge. Mr. Dobbs, City Engineer, said the City was at risk with the storm water issues. He said he has been involved with problems with Whitmore Ravine for six or seven years, and that as of now, there is no answer to the problem. He said altering from agricultural use can add liability to the City. He noted that even a slight change in run-off can cause significant problems along the river, and the owners of these lots have to be liable for damage. He said it would not hurt to table this matter for two weeks and charge City staff and the GFDA to work out issues.

Mr. Harding noted that Great Falls has not grown and this is an opportunity to do better. He presented a motion as follows:

MOTION: Recommendation 1: That the Planning Advisory Board recommend the City Commission approve annexation of AGRI-TECH PARK ADDITION, a tract of land located in GLO Lots 8 and 9, the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Section 34, Township 21 North, Range 4 East, Cascade County, Montana containing ± 196.549 acres, subject to the conditions listed, 1 through 2, with the caveat that none of this moves forward to the City Commission without the City and the Applicant working out all the conditions of Recommendation III.

Conditions of Approval:

1. The final plat of AGRI-TECH PARK ADDITION shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings and specifications for the required public improvements to serve AGRI-TECH PARK ADDITION shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.

Made by: Mr. Harding
Second: Mr. Taylor

Dr. Pasek asked for clarification on the Recommendations of this motion, and it was given. There was no further Board discussion.

VOTE: All being in favor, the motion passed.

MOTION: Recommendation II: That the Zoning Commission recommend the City Commission approve establishing a City zoning classification of I-2 Heavy Industrial district to Lots 1-10 AGRI-TECH PARK ADDITION upon annexation, subject to the Planning Advisory Board adopting Recommendation I and the conditions of approval being fulfilled by the Applicant, listed as 1-2, with the caveat that all of the Conditions of Approval listed under Recommendation III be worked out previous to moving forward to the City Commission.

Made by: Mr. Harding
Second: Mr. Taylor

Chair Roberts called for Board discussion. Mr. Byrnes noted that the motion is contingent upon the Conditions of Approval being met and agreed upon by City staff and the applicant. Mr. Weisenburger said that without the caveats, and without Lots 9 and 10 being included in the project, the project will not move forward. He said the proposal by Mr. Harding to encourage the two entities to negotiate and come to a conclusion on how Lots 9 and 10 can be incorporated into the project is the only way to do this. He said this is a compromise the Board needs to support.

Ms. Patton stated that the zoning of POS to Lots 9 and 10 does not mean that the two lots are required to be parks, but means that the agriculture currently going on can continue until such time as there is a specific development to be considered, so that the impacts could be looked at for the specific development without giving it an overall I-2 Heavy Industrial classification. She said she is still uncomfortable with this motion and will vote against it.

Mr. Byrnes stated there are financial concerns with the lift stations, and he thought Lots 9 and 10 needed to be annexed to make this work. He said there may be other design solutions, but this is one way to accomplish that. Mr. Davis said the Great Falls Development Authority has no guarantee to sell those lots unless they are part of the I-2 Heavy Industrial zoning.

Mr. Byrnes asked for clarification on the rail extension from Mr. Doney. Mr. Doney said that the rail does go through, and the whole purpose of the park is to be a rail-based park and I-2 Heavy Industrial. Mr. Doney said there is plenty of Light Industrial zoning in Great Falls but a dearth of I-2 Heavy Industrial, and it works best when I-2 Heavy Industrial is next to the same. He noted that I-2 Heavy Industrial allows for agriculture, as the ethanol plant site is currently being used to grow wheat.

VOTE: Six members of the Board voted for the motion. Ms. Patton and Mr. Roberts voted against it. The motion passed.

MOTION: Recommendation III: That the Planning Advisory Board recommend the City Commission approve the Preliminary Plat of AGRI-TECH PARK ADDITION and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II and the Conditions of Approval being fulfilled by the Applicant, listed as 1-2, with the caveat of all the other Conditions of Approval listed under Recommendation III being worked out between the City and the Applicant.

Conditions of Approval as listed in the City staff report

1. The final plat of AGRI-TECH PARK ADDITION shall incorporate correction of any errors or omissions noted by staff.
2. The final engineering drawings and specifications for the required public improvements to serve AGRI-TECH PARK ADDITION shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
3. An annexation agreement shall be prepared containing terms and conditions for annexation including, but not limited to, agreement by the Applicant to:

- Agree to develop a rail-served heavy industrial subdivision; and,
- Pay all applicable fees owed as a condition of plat or annexation approval upon final platting and annexation of AGRI-TECH PARK ADDITION; and,
- Assign I-2 Heavy Industrial zoning district to Lots 1-8 per the Official City Code of the City of Great Falls except that Fuel Tank Farms, Freight Terminals, Helipads, Junkyards, Motor Vehicle Graveyards and Telecommunications and Utility Uses will be prohibited uses; and,
- Assign POS Parks and Open Space zoning district to Lots 9 and 10 (except Agriculture use will be permitted to continue) with the option to request to rezone said lots at such time as Lots 1-8 are substantially developed and a permanent solution to solve the Whitmore Ravine situation is in place and development plans for Lots 9 and 10 are submitted to and approved by applicable departments; and,
- Buyers or prospective buyers of lots shall comply with the Specific Parcel Master Plan (SPMP) process. Planning Advisory Board shall make recommendation and City Commission shall approve or deny an SPMP. Submittals shall include, but not be limited to a conceptual site plan, building elevations, engineering plans (water system, wastewater system, street and stormwater plans) and a reasonable mitigation plan to address adverse impacts; and,
- Agree to not place or erect any structure or improvement and or infrastructure upon a lot within the Subdivision, or attempt to further subdivide the area defined by said Subdivision until plans for the necessary infrastructure have been reviewed and approved by City's Public Works Department; and,
- Agree to not place or erect any structure requiring water or sewer on Lots 7, 8 9 or 10 or attempt to further subdivide said lots until 67th Street North is improved per the approved drawings referenced in Condition 2 above; and,
- Install, within two years of the date of annexation, the water and sewer main extension for Lots 1-4 of the subdivision as referenced in Condition 2) above; and,
- Agree to develop and construct a lift station to applicable standards before development occurs on Lots 5-8; and,
- Install, within two years of the date of annexation, roadway improvements including, but not limited to a 2-inch asphalt overlay on 18th Avenue North and any drainage improvements. Improve 67th Street North including a geotextile, 15-inch thickness crushed gravel and 5-inch thickness asphalt cement concrete. The width of pavement shall be 36 feet prior to Lots 7-10 being developed; and,
- Agree to provide traffic impact studies or analysis, as necessary, for each lot as a part of the SPMP process; and,
- Agree that each lot shall have adequate turn-around room for all anticipated traffic, which shall be reviewed at the time of site development. Applicant shall construct a turnaround at the eastern end of the subdivision to help trucks safely return to River Drive North. In addition, the City of Great Falls and Applicant shall work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67th Street North; and,
- Provide required bicycle lanes on 18th Avenue North and 67th Street North as these roadways are improved; and,

- Install, within two years of the date of annexation, rail line improvements to the eastern boundary of Lot 1 and further, install all of the rail line improvements to serve lots 5-8 before building permits will be issued for said Lots; and,
- Prepare and adhere to a professional study to determine if the proposed stormwater retention ponds and other drainage measures will have any impacts on the subsurface water table, and potentially the existing overlooks and drainages on surrounding properties. The study should include the impact of the water from the proposed stormwater systems flowing through the adjacent Fish, Wildlife and Parks property and Whitmore Ravine and how it will impact erodible soils in the existing coulees that are proposed for use of overflow stormwater drainage; and,
- Prepare plans and design reports, and construct improvements in accordance with the City's Storm Drain Design Manual, which does not obligate the City to any improvement or maintenance responsibilities, prior to the development of each Lot; and,
- Work with Public Works Department to develop a maximum allowable discharge rate from Subdivision to flow into existing City sewer; and,
- Provide to City, prior to Owner receiving service from said infrastructure, reasonable appropriate easements to accommodate said infrastructure to serve Subdivision; and,
- Provide City with a copy of all easement agreements between Owner and adjacent property owners for all utility easements necessary to install improvements, including rail service, sanitary sewer mains, water mains and storm drainage easements to serve Subdivision prior to approval of the final plat of Subdivision; and,
- Agree all rail crossings of public rights-of-way should include full signalization, including safe and controlled crossings for bicyclists and pedestrians. If the Applicant does not install cross-arms immediately upon installation of the road crossings of the rail spur, the Applicant shall agree to pay the full cost of installation when daily trains generated by the subdivision require their installation. Any new rail crossings shall be in the form of an easement across public right-of-way, or other instrument acceptable to the City of Great Falls, and no financial obligation relating to the easement (construction, preparation of documents, recording, etc.) shall be due or provided by the City of Great Falls. Maintenance of the crossings shall also be the full responsibility of the rail line owner.
- Agree that it is the Owner's responsibility to maintain railroad crossings and easements which cross 18th Avenue North and 67th Street North and further agree that the City will have no maintenance responsibility related to any railroad crossings necessary for rail to serve Subdivision; and,
- Indemnify, hold harmless and defend the City of Great Falls against all claims related to adverse soil or groundwater conditions on the owner's property in the Subdivision; and,
- City shall support application for creation of Tax Increment Financing district on subject property and Advanced Bio-fuels property.

Made by: Mr. Harding
Second: Mr. Taylor

Chair Roberts suggested that one of the conditions of this Recommendation be that a committee be formed to work together on the Conditions of Approval, as formerly discussed in this meeting. Chair Roberts appointed Mr. Byrnes and Ms. Patton as representatives of the Planning Advisory Board to that committee. The committee shall also consist of Mr. Doney of

GFDA, City Planning Division staff and City staff from Public Works. He called for the vote to include this modification.

Mr. Harding asked Mr. Haynes if he was interested in working out the Conditions of Approval with such a committee. Mr. Haynes responded in the affirmative.

VOTE: All being in favor of Recommendation III and the modification, the motion passed.

Chair Roberts closed the Public Hearing portion of the meeting.

COMMUNICATIONS

Upcoming Planning Board Projects

- West Bank One Development TIF
- 424 8th Avenue Southwest - CUP

Project Status:

- Stone Meadows, Phase 2 – City Commission First Reading June 19; City Commission Public Hearing July 17
- Shumaker Washbay – City Commission First Reading July 3; City Commission Public Hearing August 7
- 1517 17th Ave SW – City Commission First Reading July 17; City Commission Public Hearing August 7
- 1527 17th Ave SW – City Commission First Reading July 17; City Commission Public Hearing August 7
- 1359 13th Ave SW - City Commission First Reading July 17; City Commission Public Hearing August 7
- Northview, Phase 8 – City Commission First Reading July 17; City Commission Public Hearing August 7
- 6th Street NE Closure – on hold by applicant

Meeting/Obligation Calendar, July 6 – July 20, 2012

A copy of the calendar is attached and incorporated herein by reference, and was received without comment.

Petitions & Applications Received

- None

Good & Welfare

The next regularly scheduled meeting of the Planning Advisory Board/Zoning Commission is July 24, 2012.

PUBLIC COMMENTS

There was no further public comment. Mr. Harding asked Mr. Haynes to describe the West Bank One Development TIF. Mr. Haynes said the developer was Talcott Construction and the project was the Kobe Steakhouse.

ADJOURNMENT

There being no further comments, the meeting was adjourned by Chair Roberts at 7:12 p.m.

CHAIRMAN

SECRETARY