

**MINUTES OF THE MEETING  
OF THE  
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION  
May 12, 2015**

**CALL TO ORDER**

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

**ROLL CALL & ATTENDANCE**

Planning Board Members present:

Nathan Weisenburger, Chair  
Scot Davis, Vice Chair  
Peter Fontana  
Anthony Houtz  
Cheryl Patton  
Sophia Sparklin

Planning Board Members absent:

Dana Henkel  
Dr. Heidi Pasek  
Mark Striepe

Planning Staff Members present:

Craig Raymond, Director P&CD  
Galen Amy, Planner II  
Phyllis Tryon, Sr. Administrative Assistant

Other Staff present:

Dave Dobbs, City Engineer  
Sara Sexe, City Attorney

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

**MINUTES**

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

Chair Weisenburger asked if there were any comments or corrections to the minutes of the regular meeting held on April 28, 2015. Seeing none, the minutes were approved as submitted.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

### **CHS Nutrition – Annexation and Zoning 5325 10<sup>th</sup> Avenue North**

Galen Amy, Planner II, presented the staff report for CHS Nutrition Great Falls for annexation and zoning of ±13.796 acres located at 5325 10<sup>th</sup> Avenue North. Ms. Amy entered the staff report into the record. CHS Nutrition Great Falls produces approximately 70,000 tons of finished cattle, poultry, equine and pork feeds per year. Most of the storage is bagged feed with raw feed ingredients stored on site. The company is expanding to accommodate the region's feed needs, covering approximately a 300-mile radius around the city.

The applicant is requesting annexation in order to connect to the City water and sewer systems. Ms. Amy reviewed information about storm water management, street improvements and utilities as provided in the staff report. The applicant will be required to install boulevard trees along 10<sup>th</sup> Avenue North, as well as boulevard style sidewalk along the south side of 10<sup>th</sup> Avenue North, from the 10<sup>th</sup> Avenue North and 57<sup>th</sup> Street North intersection west to the equivalent of the western property line of the subject property.

The subject property is currently in Cascade County and is zoned I-1 Light Industrial, and upon annexation into the City would be zoned I-2 Heavy Industrial district. Ms. Amy said that the structures currently existing on the subject property are in compliance with the I-2 district development standards so that annexation of this property will not create any non-conforming use or structure.

Ms. Amy said that any future development on the subject property will be reviewed and approved by the City under separate application. Due to the nature of this type of industrial use, the City Public Works Environmental Division has concerns about the manufacturing process employed at this facility regarding what materials may be discharged in the sanitary sewer either as part of the industrial process, by cleaning activities or by accident. Therefore the applicant shall submit a completed Industrial Wastewater Questionnaire for City review, and the applicant shall adhere to any resulting requirements.

The subject property is located in Neighborhood Council 4; the Council received information on the project on May 1 and May 8, 2015, via email. There was no vote by the Council about the project, as it was not heard at their regularly scheduled meeting. Staff received two phone calls with questions related to this project.

The Conditions of Approval listed address multiple areas including general Code compliance, Building Code compliance related to sprinkling a portion of the building within two years, as well as other areas as noted in the staff report. Ms. Amy concluded her presentation of the staff report and offered to answer any questions.

Mr. Houtz asked for further clarification on landscaping improvements along 10<sup>th</sup> Avenue North, and whether there were any improvements expected along 57<sup>th</sup> Street North with this project. Ms. Amy said the roadway along 10<sup>th</sup> Avenue North is not up to City standards and does not have curb and gutter, and requiring sidewalks would be difficult. Staff thinks a sidewalk better serves the public if it is adjacent to the soccer field. MDT has a wide right-of-way on 57<sup>th</sup> Street North, and due to the wide shoulder and industrial uses in the area, it was determined sidewalks

would not be required. Mr. Houtz asked if sprinkling the building is tied into the improvement agreement, which it is, and he asked if there is a bond requirement. Ms. Amy said normally there is a security requirement if improvements aren't immediately made, although she was not sure about that item with this application.

### **PETITIONER'S PRESENTATION**

Dave Strum, Regional Manager for CHS, thanked the City and staff for their assistance with this project. He said that CHS is serving Montana within a 300-mile radius of Great Falls. A recent expansion allows them to increase the capacity of production, but that serves the same existing trade area.

### **PUBLIC COMMENT**

Bret Doney, Great Falls Development Authority, 300 Central Avenue, said GFDA is in favor of this project. He thanked City staff and the Board for their time and effort. He said CHS has been a wonderful member of our community for years, and that agricultural production is growing in the area and we need to supply it. He said agricultural processing is one of the GFDA target industries. Great Falls has 3% of employment in manufacturing, while Missoula is at 9% and Billings is at 15%. He said in order to diversify our economy, support creation of higher wage jobs and build a sustainable tax base, we need to increase our manufacturing. This is a rail site as well.

Ron Gessaman, 1006 36<sup>th</sup> Avenue Northeast, said he is concerned that the zoning request for the subject property is I-2 Heavy Industrial whereas it is I-1 Light Industrial in the County. He said he hates to see a zoning designation go higher than it needs to go, although he thinks CHS is a great company and does great things for our area. Ms. Amy responded that County zoning is not equivalent to the City's, and the County I-1 Light Industrial is similar to and can even be more dense than the City's I-2 Heavy Industrial district zoning. She provided the City Code information to the Board.

### **PLANNING ADVISORY BOARD DISCUSSION AND ACTION**

Ms. Sparklin said this is a great use for the subject property.

**MOTION:** Recommendation I: That the Planning Advisory Board recommends the City Commission approve annexation of the subject property addressed as 5325 10th Avenue North, and legally described in the staff report, subject to the Zoning Commission adopting Recommendation II and the applicant fulfilling the listed Conditions of Approval.

#### Conditions of Approval:

1. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Within two (2) years of the date of final City Commission approval, the application shall sprinkler the F-1 portion of the existing building.
3. A Storm Water Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.

4. The applicant shall submit a completed Industrial Waste Water Questionnaire to the City Public Works Environmental Division and adhere to any resulting requirements therein.

5. An Improvement Agreement shall be prepared, executed and filed, containing terms and conditions for development of the subject property including, but not limited to, agreement by application to:

A. Install within two years of the date of final City Commission approval, the public improvements referenced in Paragraph 2 above.

B. Install boulevard trees on the north side of 10th Avenue North and install boulevard style sidewalk on the south side of 10th Avenue North.

C. Indemnify the City for any damages attributable to adverse soil or groundwater conditions.

D. Pay all applicable fees owed as a condition of annexation, as determined and agreed upon in the Improvement Agreement.

Made by: Ms. Patton  
Second: Mr. Davis

VOTE: All being in favor, the motion passed.

### **ZONING COMMISSION ACTION**

MOTION: Recommendation II: The Zoning Commission recommends the City Commission approve rezoning the subject property addressed as 5325 10<sup>th</sup> Avenue North, and legally described in the staff report, from the existing County I-1 Light Industrial to City I-2 Heavy Industrial upon annexation into the City of Great Falls, subject to the applicant fulfilling the listed Conditions of Approval.

Made by: Mr. Davis  
Second: Mr. Fontana

VOTE: All being in favor, the motion passed.

### **Thaniel Addition – Preliminary Plat, Annexation & Zoning Vicinity of 40<sup>th</sup> Avenue Northeast and 37<sup>th</sup> Avenue Northeast**

Ms. Patton recused herself from any discussion and from the vote on this application. Ms. Amy presented a review of the staff report for the application by Kendall & Maxima Cox for annexation, zoning and a preliminary plat approval to develop vacant land for R-3 Single-family high density and POS Parks and Open Space. Ms. Amy entered the staff report into the record. The subject property is ±155.672 acres and is abutting 6<sup>th</sup> St NW on the west property line, in the vicinity of 37<sup>th</sup> Avenue NE and 43<sup>rd</sup> Avenue NE.

Ms. Amy reviewed background information about this proposed project. There is a need in Great falls for traditional style single-housing stock, and the owner is partnering with NeighborWorks Great Falls to ensure that a portion of this new housing is also affordable. The preliminary plat creates 90 lots, 88 of which are single family high density, a large lot available for future development, and a lot for dedication of park land. The subject property will be developed in phases, with the first phase consisting of 28 lots plus all of the streets which will serve the entire subdivision; Phases 2-7 will consist of 10 lots each, and due to NeighborWorks

funding requirements for Mutual Self-Help Housing (MSH homes), those phases will be developed one at a time in the County and then annexed into the City.

Ms. Amy highlighted key points of the Findings of Fact, details of which are provided in the staff report. The nearest fire station is about 1 to 2 miles away, and ultimately the subdivision will receive law enforcement and fire protection from the City; however, as the MSH homes will remain in the County until construction is complete and annexation is finalized, the Black Eagle Fire Department will provide fire response to the homes in the interim.

The dedication of a natural drainage on the subject property, which runs to Watson Coulee, for park land will preserve this feature and ensure it is managed properly. It is expected that surface runoff will flow into Public Works reviewed and approved temporary storm drainage improvements made by the applicant at the time of construction until a larger detention pond is constructed in the northwest corner of the property. The Sun River Watershed Group submitted a letter expressing concerns about storm water runoff from Watson Coulee related to development of the subject property impacting the Sun River, and attached the U.S. Army Corps of Engineers Sun River Flood Protection Project Operation and Maintenance Manual Section V. The City understands this is a sensitive drainage and has taken steps to work with and educate developers on managing storm water and requiring that runoff be no greater than pre-development levels.

Ms. Amy said that the extension of public right-of-ways and future transportation connectivity is understood by the owner. This area on the whole is part of a bigger transportation system, and the established grid pattern in neighborhoods to the east is being continued on the subject property in the portion currently being subdivided. The Draft Improvement Agreement outlines improvement requirements as it relates to the phasing of development of the subject property and obligations of the owner at time of annexation into the City. Ms. Amy reviewed further details of the staff report, including roadways, traffic analysis, the subject of a future transportation study for the area, and on-site utilities. Ms. Amy said City code has a provision that owners provide a security to allow the City to complete improvements if the owner fails to do so.

Eleven percent of the total property area will be dedicated park land. The Draft Improvement Agreement outlines specific terms in regards to the Neighborhood Park Maintenance Fee that will accompany the dedication of said park. The proposed park is a walkable, 3/8 mile location for the entire property and encompasses a portion of Watson Coulee, enabling it to be monitored and preserved as a healthy drainage and wetland area in perpetuity.

Ms. Amy said the subject property is located in Neighborhood Council 3. Information was presented to the Council on May 7, 2015. The Council is extremely concerned about the impact that new traffic generated by residential development will have on existing infrastructure. Three Council members were present at this meeting; two voted in support of the project and one voted against it. Staff has received 6 phone calls and one in-person inquiry from residents with general questions about the proposed development.

Ms. Amy addressed information on the Conditions of Approval, which are located in the staff report and captured in the Improvement Agreement.

## **PUBLIC QUESTION PERIOD**

There was a question about the development being built out in phases. Ms. Amy explained that phasing in this project is part of the Improvement Agreement and she also addressed storm water issues. There was a question about boulevard width. City Engineer, Dave Dobbs, said these would be standard City streets with an interior boulevard at 6-½ feet wide and a 1-foot space between the sidewalk and actual property line.

Mr. Houtz asked Ms. Amy to elaborate on the differences between R-2 and R-3 zoning. She explained the lot widths and lot coverage for the zoning districts and how they apply to this development. Mr. Houtz said if the entire subject property is zoned R-3 district, lots could be as small as 60 feet, and it is difficult to build double car garages. Ms. Amy said that R-3 district zoning gives the developer options to provide the smaller lots as needed given the space requirements of the property, but does not prohibit larger lots.

Mr. Houtz asked about the process of bringing lots into the City after MSH houses are built. Ms. Amy reviewed the process and said that annexation of the undeveloped lots won't occur until the final plat of those lots is filed. She said that if the MSH project were not completed, the subject property would be annexed into the City before other development occurs.

Katie Hanning, 327 2<sup>nd</sup> Street South, representing the Home Builders Association, asked about permit fees for the MSH homes and whether the City or County is performing inspections. Mr. Raymond said the City does not have jurisdiction in the County and will not issue building permits for the homes. However, there is an agreement for the City to inspect for items not under State jurisdiction. The City will not inspect electrical or plumbing, for instance, but will inspect foundations and buildings. Ms. Hanning asked if the City charges a fee for those services, and Mr. Raymond said they do. It was asked if the City required geo-technical reports, and Mr. Raymond said the City cannot require that because it's not within City jurisdiction; however, he said the developer is doing them. He added that there are no foundation inspections in the County, and it is up to the developer to determine a standard.

Mr. Gessaman asked about how these homes will be taxed. He asked if there is a timeline for temporary ponds. Ms. Amy said that the portion of the subject property being immediately annexed comes into the City tax base, and the other lots come in as they are annexed. She said the timeline for the phases is one phase of 10 homes per year, which is a 6-year span. Addressing the temporary ponds, she said that a master plan for stormwater for the area needs to be developed. Mr. Gessaman asked for clarification on lift stations for the area, and said he hopes that West Ridge Phases 6 and 7 street development is coordinated with this project. Ms. Amy said the applicant of the proposed project has committed to installing all street improvements within the next two construction seasons.

Dave Dobbs, City Engineer, said there is a lift station under design at the southeast corner of Division Road and 43<sup>rd</sup> Avenue Northeast. He said easements will be needed for the lift station site and for the mains that serve it. He also said that a master plan of the drainage basin is needed that will involve more than one developer. Additionally, as this area builds out, there will need to be a permanent storm drain pond facility. The plan is to make it a 3 or 4 acre amenity that adds to the park land and cleans the water before discharging, keeping it to pre-development levels. He estimated construction of this pond within 3 to 4 years. He said the cost of the master plan and storm drain system improvements will be upon the developers to pay.

## **PETITIONERS PRESENTATION**

Shawn Arthur, 106 1<sup>st</sup> Avenue South, representing Dowl Engineering, which represents the developer, said this will be an ongoing development. He said this is a good area for development, and the developer is appreciative of the cooperation of the City, Planning staff and Public Works staff.

Neil Fortier, 509 1<sup>st</sup> Avenue South, Director of Real Estate Development for NeighborWorks Great Falls, said that the USDA World Development is specific as to requirements of geo-technical reports, and Phase 1 has been tested and results are back. They are hitting bedrock at 2-1/2 to 6 feet. They will be required to do geo-tech on each development phase. He said they will be adhering to the restrictive covenants of the development to the east: a higher pitched roof, 24-foot wide garages, and soffit at 16 inches. He said that USDA World Development dictates the timing of development and each phase must be completed within 12 months of the start date. He said there is a need for work force housing, and this project will make a minor dent with 60 affordable, single-family homes. Closing on Phase 1 will be in July of this year and the phase must be completed within 12 months. Phase 2 must begin by June 1, 2016 and be completed within 12 months. He said the time frame for the project is 6 years, and they will be adhering to that schedule.

Chair Weisenburger asked about advising applicants for these homes in relation to building around the oil pipeline. Mr. Fortier said the lots were engineered by Dowl Engineering to address the pipeline issue.

## **PUBLIC COMMENT**

Alan Rollo, 816 Grizzly Drive, Coordinator of the Sun River Watershed Group, said their nonprofit organization works on water quality of the entire Sun River Basin. For over 20 years, they have worked hard to resolve natural resource issues across the entire Sun River. They are not opposing this project, and do not want to diminish the hard work by the City Planners and Engineers. They are asking, because of the sensitivity of this area, to bring together a group of individuals, organizations and agencies that have the expertise to work with the City and the engineers to discuss the issues of the pond and water drainage, such as the Corps of Engineers, Conservation District and the engineers.

Brett Doney, representing GFDA at 300 Central Avenue, and NeighborWorks Great Falls, in which he serves as Treasurer, said we can't keep up with the demand for work force housing in Great Falls. This year there were no available lots for this type of housing, and 10 families missed out. He said these homes are "sweat equity" by the families who are purchasing these houses. City staff is taking a comprehensive look at development in this area so that the standard set prevents problems and sets a model for the type of development and storm water management that we should have. He said this is a win-win for everyone.

## **PLANNING BOARD DISCUSSION AND ACTION**

There was a question from the Board for City Engineer, Dave Dobbs. Mr. Dobbs said the City is looking at a master plan for the area, and there was a meeting on April 2, 2015 with the West Side Flood Control District to discuss storm water management for this area. He said there were about two dozen people at that meeting with very good questions, and there will be more public meetings in the future.

MOTION: RECOMMENDATION I: The Planning Advisory Board recommends the City Commission approve annexation of Thaniel Addition, legally described in the staff report, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation II, and subject to the Conditions of Approval being fulfilled by the applicant.

Conditions of Approval:

1. The Final Plat of the Thaniel Addition phases shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements for the Thaniel Addition phases shall be submitted to the City Public Works Department for review and approval, prior to consideration of the Final Plat of any Thaniel Addition phase.
3. An Improvement Agreement shall be executed and filed containing terms and conditions for annexation Final Plat phases, including, but not limited to, agreement by Owner to:
  - a) install, within three years of the date of annexation, the public improvements referenced in Condition 2 above;
  - b) indemnify and hold the City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) construct all of the storm water conveyance improvement to drain the site to the future onsite detention pond, whether they be surface conveyance and/or inlets and pipe;
  - d) reimburse the City its proportionate share of the cost of installing a new lift station and force mains to serve the property;
  - e) provide sidewalk connectivity, including construction of sidewalks along the park frontage at such time as the adjoining street is constructed;
  - f) pay its proportionate share of the cost of an area storm water master plan;
  - g) pay its proportionate share of a North Great Falls transportation study;
  - h) pay all applicable fees owed as a condition of annexation, as determined in Improvement Agreement.

Made by: Ms. Sparklin  
Second: Mr. Davis

VOTE: Ms. Patton having recused herself from the vote, and all others being in favor, the motion passed.

MOTION: RECOMMENDATION II: The Zoning Commission recommends the City Commission approve rezoning property within Thaniel Addition from the existing County Urban Residential to R-3 Single-family high density, upon annexation to the City, subject to the Planning Advisory Board adopting Recommendation I and subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Davis  
Second: Mr. Fontana

Mr. Houtz said he fully supported this project but was a little uncomfortable with zoning the entire subject property as R-3 district, and asked if there are any options. Mr. Raymond said there are always options but the subject property cannot be left open without zoning designation. He said staff would need to go back to the applicant for discussion if the Planning



Advisory Board did not support this Recommendation. Ms. Amy said the only other immediate designation would be to zone this property as Parks and Open Space and then the applicant would be required to make application for future phases. There was discussion about the process of development and review of lot sizes and what might be suggested for the remaining 100 acres for future phases of this development, as the proposed zoning for the first phase of this project was not an issue. Mr. Houtz expressed concern about the lot size for R-3 district zoning with 60-foot lots and how restrictive that is. Mr. Fontana said that the subject property under discussion is for MSH housing for which there is no expectation of large homes. Mr. Houtz said it is difficult to improve the smaller lots and the Board does not know if in future phases the lot size will be at 60 feet, when now it looks like they are 75 foot lots. Mr. Houtz asked if the Board can request wider lots when they review plats in the future. Mr. Raymond said they could, but it can be more difficult to have that conversation if the lot sizes comply with zoning; however, the City can request larger lots.

There was no further discussion.

VOTE: Ms. Patton having recused herself from the vote, and all others being in favor, the motion passed.

MOTION: RECOMMENDATION III: The Planning Advisory Board recommends the City Commission approve the Preliminary Plat of Thaniel Addition, legally described in the staff report, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I and III, and subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Fontana  
Second: Mr. Houtz

Ms. Amy said the Recommendation should read: subject to the Zoning Commission adopting Recommendation I and II. Mr. Fontana amended his motion per that comment, and Mr. Houtz seconded the amendment. Ms. Patton having recused herself from the vote, all others were in favor of the amendment.

VOTE: Ms. Patton having recused herself from the vote, and all others being in favor, the amended motion passed.

## **COMMUNICATIONS**

### Next Meeting Agenda – Tuesday, May 26, 2015

- None

### Project Status:

- Central Montana Agriculture & Technology Park TIFID (Great Bear) Funding Request – City Commission, May 19

### Petitions and Applications Received:

- West Ridge Phase VII – Major Subdivision, Annexation & Zoning – to PAB/ZC June 9
- East Industrial Park TIF Industrial District (AgriTech) Application

Mr. Raymond said these projects have been some time in the works. There have been a couple of City Commission special work sessions on the AgriTech TIF and there is progress on this application.

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

There being no further business, Chair Weisenburger adjourned the meeting at 4:58 p.m.

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CHAIRMAN

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SECRETARY