

PLANNING ADVISORY BOARD ZONING COMMISSION

JULY 10, 2012

Case Number

ANX2012-2
ZON2012-2
SUB2012-1

Applicant

Great Falls Development
Authority (GFDA)

Property Location

18th Avenue North and
67th Street North

Requested Action

Annexation of ± 196.549
acres of property

Major Subdivision

Preliminary plat -10 lots

Rezone the subject prop-
erty from County I-2
(Heavy Industrial) and AG
(Agricultural) to City I-2
(Heavy Industrial).

Neighborhood Council

Neighborhood Council #4

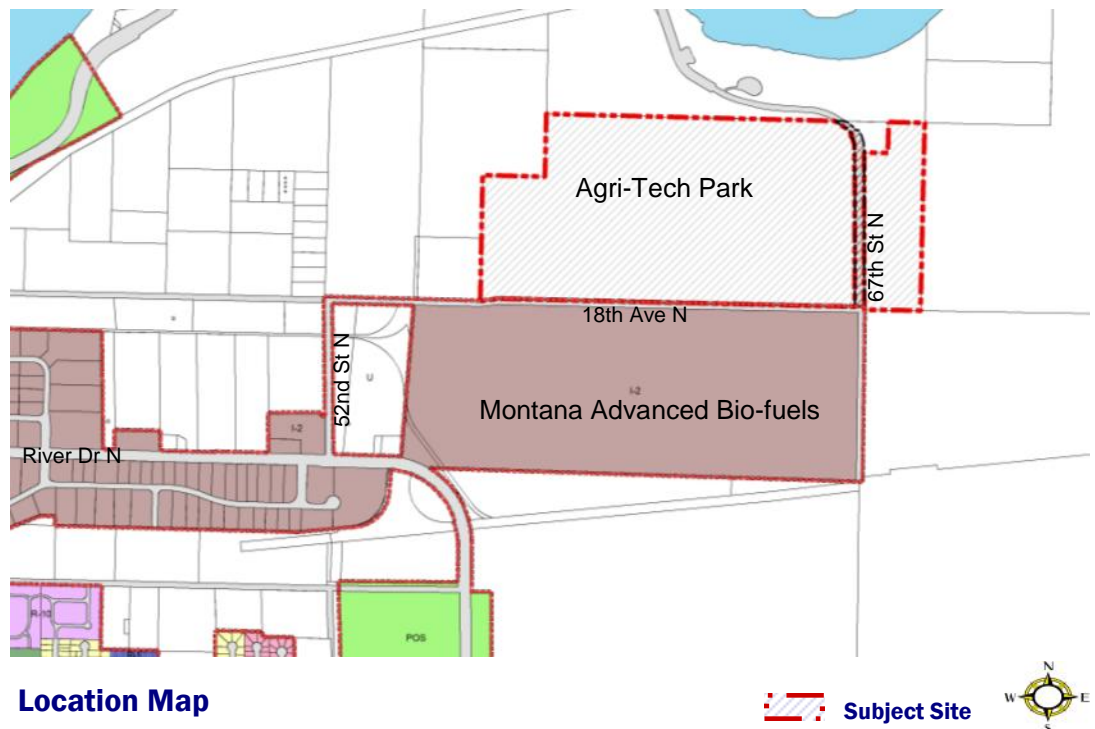
Recommendation

Annexation of the subject
property with initial zon-
ing of I-2 (Heavy Indus-
trial) and POS (Parks &
Open Space) with condi-
tions of approval.

Project Planner

Mike Haynes, AICP

AGRI-TECH RAIL-SERVED INDUSTRIAL PARK: ANNEXATION, ZONING AND PRELIMINARY PLAT



Location Map

Summary

Project Description

The AGRI-TECH PARK is a proposed rail-served heavy industrial park with an emphasis on value-added processing of agricultural products.

The subject property is generally located north of 18th Avenue North, both east and west of 67th Street North. The property 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 contiguous to the large undeveloped I-2 zoned property that has been slated for development of

an ethanol (now Montana Advanced Bio-fuels) plant since the early 1990s.

Background

- Legal Description of property's location: A tract of land located in GLO Lots 8 & 9, the SE 1/4 and SW 1/4 of S34, T21N, R4E
- Area of property: ± 196.549 acres

Agency Comment

Planning & Community Development, Public Works and other City Departments have attended pre-development and pre-application meetings on the AGRI-TECH PARK since January 2010.

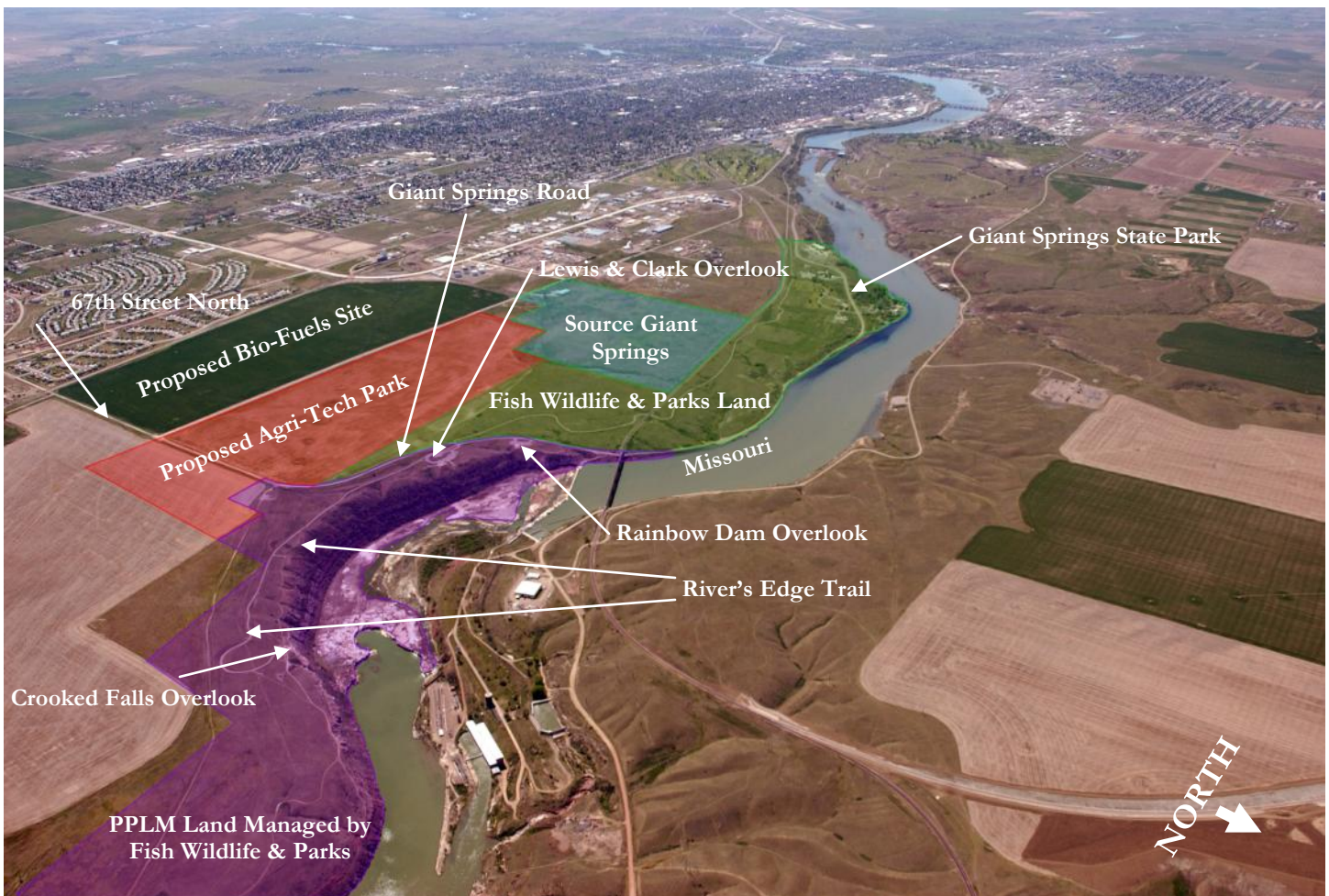
Existing Conditions

The existing site information for the said property includes:

Existing Use: The ±196.549 subject property is in unincorporated Cascade County, but is contiguous with City of Great Falls jurisdictional boundary. That portion of the subject property lying west of 67th Street North is undeveloped and used for dry-land farming, and has County I-2 (Heavy Industrial) zoning. That portion of the subject property lying east of 67th Street North is undeveloped and used for dry-land farming and has County AG (Agricultural) zoning (see Exhibit A - Zoning Map).

Adjacent Land Use: South of the subject property is the “American Agri-Tech Addition” that has I-2 Heavy Industrial zoning in the city but remains undeveloped and used for dry-land farming. This property was annexed into the City in 1992 in expectation of development of an ethanol plant. That development never occurred, but there has been renewed interest recently in developing this site with a newer technology Advanced Bio-fuels plant. South of the American Agri-Tech Addition is Malmstrom Air Force Base and more specifically base housing.

Adjacent to, and north of, the subject property is Giant Springs State Park comprised of state-owned (Fish Wildlife and Parks - FWP) land and PPL land managed by FWP. The FWP land is part of a greenway system that extends along the south shore of the Missouri River from Black Eagle Dam to Rainbow Dam and further on east. The River’s Edge Trail runs through the park generally parallel to Giant Springs Road (designated a scenic by-way in 2011) to within about 200 feet of the subject property where it crosses the road adjacent to the Lewis and Clark Scenic Overlook. The paved section of River’s Edge Trail continues on east to the Crooked Falls Overlook where the paved trail ends and the unpaved trail continues on to Box Elder Creek (see Exhibit B–Aerial Photo).



West of the subject property is largely undeveloped property owned by water-bottler Source Giant Springs with some industrial uses beyond that (north of 18th Avenue North and west of 52nd Street North).

East of the subject property is more undeveloped land owned by the Loy Trust with Whitmore Ravine running generally south to north through that property and out-falling into the Missouri River

Prime building sites in the proposed AGRI-TECH PARK are at elevations of $\pm 3,440$ feet. That is about 70 feet above the elevation of the Lewis and Clark Overlook and 100 feet above the Rainbow Dam Overlook, which are about 350 feet and 600 feet respectively from the northern boundary of the subject property (identified by a fence-line - see site photos this page and next page). The northern boundary of the subject property is as close as 600 feet to the Missouri River, which is at an elevation of about $\pm 3,240$ feet at this point or about 200 feet below the elevation of the proposed AGRI-TECH PARK building sites.

Application

The Applicant is requesting to annex the ± 196.549 -acre subject property into the City with I-2 (Heavy Industrial) zoning, and to subdivide the property into 10 lots. The proposed AGRI-TECH PARK project is to accommodate heavy industrial rail-served businesses with a special emphasis on agricultural processing.

The project is speculative. The types of industrial uses and specific businesses that may opt to locate in the AGRI-TECH PARK are unknown. Given there are no development plans to review at this time, common practice would be to establish, in a Development Agreement, what uses would be permitted on the subject property and a set of development standards to be met by the industrial end-users. Typically, in such industrial park developments there would also be a Property Owners Association (POA) responsible for maintaining common facilities and infrastructure such as master stormwater facilities, the rail-line, and any other shared infrastructure. This would provide the community with some assurances that users would cooperate in the maintenance and appearance of the industrial park

The Applicant is not willing to establish development standards or commit to establishing a POA. Instead,



View east along Giant Springs Road with subject property on right



Subject property (fence-line on horizon) viewed from Rainbow Dam Overlook



Subject property viewed from the west - Giant Springs Picnic Area

the Applicant has requested that the City consider development on every lot to be a separate phase of development where each lot will “stand alone” in terms of the industrial end-user being entirely responsible for building and maintaining separate on-site systems.

Without development standards, each new industrial end-user would simply be able to submit development plans and obtain building permits for their project, without any mechanism in place to mitigate adverse impacts of industrial development. Mitigation considerations should include visual impacts of industrial buildings, structures and outdoor storage, noise, dust, light pollution, litter, etc. that are often associated with heavy industrial uses. It would also preclude the establishment of design standards for landscaping, signage, etc. that can give an industrial park with different end-users at least the appearance of a cohesive project as seen from the public right-of-way.

The proximity of the subject property to the river and to the environmental, recreational and cultural assets previously mentioned requires use of some planning tools that will provide reasonable protections for the adjacent community assets.

Montana Code Annotated (MCA) 76-3-608 (4) allows the governing body to require the subdivider to design the proposed subdivision to reasonably minimize potentially significant adverse impacts identified.

In order to accommodate the Applicant, protect the City, and preserve the opportunity for public involvement, staff recommends a process whereby the Planning Advisory Board and City Commission review a Specific Parcel Master Plan (SPMP) for each proposed phase of development as a specific industrial use is proposed on each lot. SPMP review would be a condition of the annexation agreement and a process separate from and subsequent to the statutorily required annexation, initial zoning and subdivision process. The SPMP process would simply require:

1. Application to the Planning and Community Development Department (conceptual site plan, building elevations, engineering and drainage plan, and reasonable mitigation plan to address potential adverse impacts)
2. Review by planning staff and issuance of a staff recommendation and proposed conditions of approval



Looking west along north boundary line from just west of 67th Street North (proposed Lot 8)



View northwest from subject property (proposed Lot 8) to the treistle bridge and the river



View NW from the subject property (Proposed Lot 8) to the river

3. Consideration and recommendation by the Planning Advisory Board
4. Final action by the Great Falls City Commission

This would be an expedited process but a process that provides the Planning Advisory Board and the City Commission an opportunity to take public input and consider the staff recommendation and reasonable conditions of approval based on an actual development proposal. It would allow the City Commission to make a final decision on the appropriateness of the request and mitigation measures based on a specific industrial use, industrial end-user and development plan.

Project Description

The proposed AGRI-TECH PARK project comprises 10 lots. Lots 1-8 are located on the west side of 67th Street North and Lots 9-10 are located east of 67th Street North (see Exhibit E-Preliminary Plat & Exhibit F - Site Plan).

The Applicant proposes to bring water and sewer to serve the project from the west. It is proposed to extend the existing rail spur that now runs south of and parallel to 18th Avenue North to just east of 52nd Street North, on further east to serve the project. It is proposed to construct the rail extension across 18th Avenue North and northeast through the subject property crossing 67th Street and then running south between proposed Lots 9 and 10 (see Exhibit C–Utility Map).

Proposed Development West of 67th Street North

There are eight proposed development sites east of 67th Street North with proposed Lots 1 and 8 on the north side of the proposed rail line extension and proposed Lots 2-7 on the south side.

Proposed development on Lots 1 and 8 are of particular concern due to their location on the north side of the subject property. As previously mentioned, these two northernmost lots are closest to, and overlook, the Missouri River, the Rivers Edge Trail, the Rainbow Dam and Lewis and Clark Overlooks, and Giant Springs State Park. Lots 1 and 8 present the greatest challenges for development with both lots having at least 40 feet of elevation change as land slopes off to Giant Springs State Park and to the Missouri River.

FWP supports development of the AGRI-TECH PARK project but only with “adequate and effective protections for Giant Springs State Park” (see Exhibit I - FWP Letter).

The most cost-effective solution to protecting the viewshed from the river corridor and to ease concerns regarding stormwater runoff is for the provision of open space buffers along the northern boundary of Lot 1. The Applicant is proposing a “buildable/non-buildable area break line” that would prohibit development on 12.04 acres of Lot 1 and 0.17 acres of Lot 8 (see Exhibit F - Site Plan). This would provide an acceptable buffer on Lot 1 if the non-buildable area is preserved as open space in perpetuity and maintained in its natural condition. Depending on the development proposed for Lot 1, it would be determined through the SPMP process what landscape screening or other design solution might be needed for additional protection of the viewshed.

Lot 8 is already highly constrained by virtue of its configuration and prominent location as viewed from the river corridor. The proposed non-buildable area of 0.17 acres does not mitigate adverse impacts. Development of this property will be extremely difficult without negatively impacting the surrounding area. It is recommended that Lot 8 should therefore be reserved for a very low-impact, low-rise development with significant mitigation required to preserve the viewshed including, but not limited to landscape buffers). This will be addressed through the SPMP process.

Development on lots 2-7 is less of a concern in terms of the viewshed, but there remain concerns with regard the potential impacts of industrial development in terms of noise, light pollution, dust, litter, drainage, etc. which is why the SPMP process is recommended for every lot in the AGRI-TECH PARK. Much of the subject property naturally drains to the east towards Whitmore Ravine while the remainder drains mostly north to Giant Springs State Park.

Proposed Development East of 67th Street North

Proposed development sites east of 67th Street North are Lots 9 and 10. This ±26 acre property comprises about 13 percent of the overall subject property and has AG (Agricultural) zoning in Cascade County. The Applicant is requesting to annex this property into the City with I-2 (Heavy Industrial) zoning along with the property west of the 67th Street North that has I-2 (Heavy Industrial) zoning in the County.

Cascade County Commissioners declined to rezone this property to I-2 (Heavy Industrial), and they maintain that industrial development in this area is not appropriate because of (1) its proximity to the River's Edge Trail and Missouri River Recreational Corridor; (2) its proximity to Malmstrom AFB housing; and, (3) most importantly, its proximity to, and impact on, Whitmore Ravine which has experienced significant erosion and represents a serious environmental problem that it is estimated will cost over \$10 million to resolve (see Exhibit H - Cascade County Position Letter).

City planning staff share the concerns of Cascade County Commissioners and maintain that the appropriate zoning for the property east of 67th Street North is POS (Parks and Open Space), generally consistent with the current AG zoning in the County, until such time as Lots 1-8 are developed and a permanent solution to stabilize Whitmore Ravine is approved and funded. The appropriateness of industrial development east of 67th Street North may be revisited at that time, and, if industrial development is found to be appropriate, a request may be made to rezone the property. Agriculture shall be permitted to continue on Lots 9 and 10 as a condition of annexation.

All of the issues discussed above will be addressed in the conditions of the Annexation Agreement that serve to permit industrial development of the subject property in a way that is sensitive to the surrounding areas.

Improvements

Water System Improvements

Initial water system improvements consist of a 16-inch sized water transmission main along the north side of 18th Avenue North and a 12-inch sized water distribution line along the west side 67th Street North. These improvements are proposed to serve the subdivision's domestic, industrial and fire water demands. The 16-inch water main has been sized to serve the anticipated demands of the subdivision and Advanced Bio-fuels development.

The engineering plans, specifications and design reports for these mains have been reviewed and conditionally approved by City staff.

The Applicant has constructed a segment of the 16-inch main from the City's water system near the intersection of River Road North and 52nd Street North to the west property line of Lot 3 of the proposed subdivision. The City Engineer advised the Applicant several times that proceeding with the water main construction prior to annexation was not an approval of the annexation/subdivision, and was solely at their risk.

In addition to the mains mentioned above, additional distribution and fire lines may be necessary to serve the different types of industrial development that may occur on each individual lot. These improvements will be identified as part of an SPMP or building permit application. As part of the SPMP process, water and fire flow demands and water flow and pressure information specific to that development will be required. The developers of each lot will also be required to design and construct any public water main(s), public and private fire lines, and private domestic/industrial services lines to meet the demands and requirements identified in the SPMP.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified within the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

Wastewater System Improvements

Initial wastewater improvements include 8-inch gravity sanitary sewer mains along 18th Avenue North and 67th Street North, a 400 gallon per minute submersible sewage lift station to be located close to the intersection of 18th Avenue North and 67th Street North, an 8-inch force main along 18th Avenue North between the sewage lift station and a 15-inch gravity main, and 15-inch and 18-inch sized gravity sanitary sewer mains between the 18th Avenue North site to an existing City gravity main located east of River Drive North on the south side of the railroad spur line serving Malmstrom AFB. A portion of the sewer force main and the 15-inch and 18-inch gravity mains will cross the proposed Advanced Bio-fuels plant site. The 18-inch gravity main has been sized to serve the anticipated discharge flows from the proposed subdivision and the Advanced Bio-fuels development. The engineering plans, specifications and design reports for the gravity and force mains have been reviewed and conditionally approved by City staff. The lift station is currently under review.

The Applicant has received bids and is planning to award a contract to construct the segments of 15-inch and 18-inch sized gravity mains across the Advance Bio-fuels site and the 8-inch gravity and 8-inch force main adjacent to Lots 2 and 3. The Applicant proposes to install the remainder of the gravity and force mains along with the wastewater lift station at a future time as funds become available. Therefore, the public gravity and force mains adjacent to Lots 2 and 3 will not be functional until such time the remainder of the mains along 18th Avenue North and the lift station are constructed. The Applicant proposes to first develop Lots 1-4 by temporarily serving Lots 2-4 by individual private wastewater lift stations and force mains until such time the public mains and lift station are constructed. Lot 1 would be served on a permanent basis by a private lift station and force service line. At such time the public mains and lift station are completed, the private lift stations and force service lines serving Lots 2-4 will be abandoned and gravity service lines connected. Those gravity service lines will need to be installed at the time each lot is developed. Again, the Applicant has been advised by the City Engineer that proceeding with the sewer main improvements prior to annexation was not an approval of the annexation/subdivision, and was solely at their risk.

In addition to the public sewer main and lift station improvements mentioned above, additional public infrastructure may be necessary to serve the different types of development that may occur on each individual lot. These improvements will be identified as part of a SPMP or building permit application. As part of the SPMP process, the developer will be required to provide information on wastewater flow rates and the characteristics and composition of wastewater discharges. The developer of each lot will also be required to design and install any public and private infrastructure identified in the SPMP, including pre-treatment facilities that may be required by federal, state and local statutes, codes, and standards and other requirements.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

Stormwater

The Applicant has completed a preliminary storm drain study and report for the subdivision. However, final comprehensive stormwater improvements and drainage plans have not been submitted. Staff requires the Applicant complete a final subdivision drainage and improvements plan that provides each lot with a master planned discharge point and/or conveyance. It is required that drainage from Lots 3-7 and a portion of Lot 2 draining to the east be served by an underground conduit with manholes/inlets along 18th Avenue North. It is also required that a drainage easement be obtained across the Loy Trust property currently being farmed between 67th Street North and the more defined drainage channel that cannot be farmed. Drainage improvements shall be provided if requested by the Loy Trust. Also, it is requested that Lot 1 and the portion of Lot 2 draining to the north provide a common easement and underground conduit across Lot 1. Drainage easements for Lots 8, 9 and 10 shall also be secured across adjoining properties to the points where the drainage joins a well defined natural drainage and/or drainage ditch along a public right-of-way. Drainage improvements shall be installed in these easements if requested by the owner(s). It is requested that stilling basins be designed and constructed at all discharge points to

natural drainages. It is also required that the Applicant make plans and/or provisions for installation of erosion controls (if required) in any of the natural drainages that receive runoff from the subdivision.

The Applicant is in agreement that the developers of each lot be responsible for individual private improvements (see narrative below).

In addition to the public drainage improvements mentioned above, additional public infrastructure will occur on each individual lot as part of a SPMP or building permit application. The SPMP for each development will be required to prepare individual drainage plans and reports, and design and construct improvements in accordance with the City statutes, requirements and standards.

Because the proposed subdivision drains to natural drainages with steep gradients with high potential for erosion, it is required that the development of each lot be required to limit runoff to the peak runoff from a 2-year 2-hour storm assuming pre-development conditions. The stormwater runoff will be managed by designing and constructing privately owned, operated, and maintained stormwater detention and/or retention storage facilities on each development site. Design criteria and information found in the City's Storm Drainage Design Manual shall be used for designing these facilities.

The development for each lot will be required to implement best management practices for limiting discharge of pollutants with stormwater runoff in accordance with the City's Stormwater Management Plan and federal and state statutes and permitting requirements for discharge of stormwater with construction and industrial activities.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

Street System

Required initial street improvements include a 2-inch overlay of the portion of 18th Avenue North adjacent to the development, and future construction of 67th Street North to the similar standard as 18th Avenue North including design to rural section in accordance with AASHTO standards. Section shall include geotextile, 15-inch thickness crushed gravel and 5-inch thickness asphalt cement concrete and the width of pavement shall be 36 feet. The Applicant shall stripe and mark bicycle lanes, and install route signage along 52nd Street North, 18th Avenue North and 67th Street North, when final overlays of these individual roadways are complete. All rail crossings of public rights-of-way should include full signalization, including safe and controlled crossings for bicyclists and pedestrians. If the developer does not install cross-arms immediately upon installation of the road crossing of the rail spur, the developer shall agree to pay the full cost of installation when daily trains generated by the subdivision require their installation.

In addition to the public street improvements mentioned above, additional public infrastructure may be necessary to serve the different types of development that may occur on each individual lot. These improvements will be identified as part of an SPMP or building permit application. As part of the SPMP process, the developer will be required to provide information on traffic generation. The developer of each lot will also be required to design and install any public and private infrastructure identified in the SPMP.

The issuance of building permits for the development of each lot shall be dependent on the developer of the lot complying with any City requirements that are identified with the SPMP process. Compliance with improvement requirements will be based on those improvements being completed and/or under a secure and verifiable contract.

Traffic Analysis

Vehicular access to the proposed lots would be from 18th Avenue North (a partially improved annexed City roadway) and 67th Street North (a gravel roadway under the jurisdiction of Cascade County). Arterial access to the property would be from 57th Street North/River Drive North, via 52nd Street North.

18th Avenue North ends on the east at 67th Street North, and continues to the west as an unpaved, gravel section.

Near the western end of the subject property, 18th Avenue North connects to paved 52nd Street North, providing paved access to River Drive North near its transition into 57th Street North. 67th Street North extends south as an unimproved, unmaintained roadway, serving only adjoining agricultural uses and as non-public, restricted access to a former gate at Malmstrom Air Force Base. It does not function as an open, public route. North of 18th Avenue North, 67th Street North is a semi-improved gravel roadway currently serving agricultural, recreational and tourist traffic. It connects at the north end of the proposed development to Giant Springs Road, a section of road in generally poor condition but serving important tourist and recreation destinations along the Giant Springs Road.

All internal roadways to the subdivision are proposed to be private drives, each serving individual parcels. No common roadways or cross-property access easements are proposed.

A rail line owned by Burlington Northern Santa Fe (BNSF) lies to the south and west of the property. A railroad spur owned by the Federal government connects to the power plant for Malmstrom Air Force Base, and is south of the proposed Advanced Bio-fuels property. Privately owned spur lines are proposed on each lot. Ownership of the common line serving the collective lots are being worked out by the Applicant. Two new vehicular rail crossings are proposed, with one existing rail crossing on 52nd Street North.

No bicycle or pedestrian facilities lead to the site, although the wide shoulder of 18th Avenue North is utilized by bicyclists as a connection to River's Edge Trail near the northern terminus of 67th Street North.

Daily Vehicle Trip Generation Calculation

Proposed land use: "Industrial Park" (Land Use 130, ITE Trip Generation, 7th edition, 2003). This land use is defined as providing "...a mix of manufacturing, service and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities – some with a large number of small businesses and others with one or two dominant industries."

The ITE manual notes that truck trips accounted for 1-22% of weekday traffic at the sites surveyed, with an average of approximately 8 percent. With 43 sites studied, the data appears to be useful for comparison to the proposed development.

While the most accurate comparison figure would be number of employees or gross floor area, the only comparable figure provided by the applicant is "acres". However, the relevant studies average a weekday trip rate per acre of 63.11 trips. With nearly 200 acres in the proposed development, this is obviously not a relevant, statistic as it is likely applicable to smaller lot developments of higher density.

Assuming a "best guess" average employment figure of 40 employees per lot appears to provide a more likely trip generation figure. Using this figure, trips can be estimated as follows:

Average daily trip rate (weekday): 3.34 trips ends per employee (ITE Manual)

Daily trip generation: 40 employees x 3.34 average daily trips ends/room = 134 trips per day per developed lot

If all **ten** lots are developed, this equates to 1,340 trips per day. If only **eight** lots are developed, this equals 1,072 trips per day. Rounding this figure, a **"best estimate" of projected traffic might be 1,100 trips per day, of which 88 might be trucks.**

Non-Motorized Trips

While improvements to 67th Street North may attract additional bicycle trips, the development itself is not anticipated to generate much bicycle or pedestrian traffic, due to the distance from residential areas as well as the general nature of the proposed uses. However, the nearness of River's Edge Trail may be an attractive feature to employees, and safe connections may be pursued by site developers, if desired.

Daily Train Car Estimates

The frequency and size of train traffic is unknown. However, if development occurs as the Applicant has projected, multiple trains per day can be expected. This could have an impact on "upstream" tracks (between the de-

velopment and the train yard) through increased delays at pedestrian and vehicular crossings, increased frequency of train whistles, and increased general train noise experienced by adjoining properties.

Trip Distribution

The majority of traffic generated by the development is expected to travel 18th Avenue North between 52nd Street and 67th Street North; 67th Street North north of 18th Avenue North; and, 52nd Street North. Very little traffic generated by the development is expected to travel 18th Avenue North, west of 52nd Street North, due to the gravel roadway surface.

Due to the nature of the traffic and surrounding roadways, 95% or more of the traffic generated is expected to travel the paved portion of 18th Avenue North and 52nd Street North, and be dispersed fairly evenly east and west along River Drive North. Only around 5% is anticipated to travel 67th Street North and Giant Springs Road and west of 52nd Street North on 18th Avenue North.

Traffic Conclusion/Recommendations

Although limited information is available on proposed uses, there appears to be adequate capacity (i.e., number of lanes and lane widths) on the area roadways and intersections to accommodate the projected additional traffic, if development is relatively moderate in scale and intensity. However, roads must be improved to accommodate the heavy truck traffic that would be expected to serve the subdivision.

The following transportation recommendations should be conditions of annexation and development:

Rail Crossings. Conflict between trains and vehicles is always a safety concern. All rail crossings of public right-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.

Trains shall be prohibited from stopping on 18th Avenue North and 52nd Street North, and adequate on-site track distances shall be required of the development. Such distances can be reviewed during the SPMP process, and made a condition of approval of the same.

67th Street North. When Lot 7, 8, 9 or 10 is developed, 67th Street North shall be paved and improved by the Applicant or at the Applicant's cost to a standard approved by the City of Great Falls Public Works Department.

18th Avenue North. 18th Avenue North shall be upgraded to sustain heavy truck traffic as development occurs, to a standard approved by the City of Great Falls Public Works Department. 18th Avenue North also appears to be in need of drainage improvements, which should be addressed at the same time as the overlay. This should be addressed early in the schedule of development of the lots, as the developments will increase area runoff.

Traffic Impact Studies. Because future traffic generated by the subdivision is dependent upon the actual businesses and site developments, it is not possible to predict the majority of roadway or traffic control improvements that may be needed. Therefore, traffic impact studies or analyses shall be a condition of all site development review, provided by the developer of each lot. Any transportation improvements identified in the analyses shall be installed by, or the cost borne by, the site developer.

Bicycle/Pedestrian Facilities. In lieu of development of separated facilities for bicyclists and pedestrians, the Applicant shall stripe and mark bicycle lanes, and install route signage, along 52nd Street North, 18th Avenue North and 67th Street North, when final overlays are complete. All striping and signage shall be reviewed by the City of Great Falls before installation. Site developers will be encouraged to provide for safe movement of pedestrians on-site.

Roadway Lighting. Street lights may be considered for safety and security, but shall be designed as to have no impact upon the adjoining State Park and approved by the City before installation.

Truck Traffic. While little traffic generated by the subdivision is expected to travel Giant Springs Road, the design of driveways and directional signage should discourage travel (especially truck travel) through the State Park. Each lot shall have adequate turn-around room for all anticipated traffic, which shall be reviewed at the time of site development. Applicant is encouraged to 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 should work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67th Street North.

Project Summary

Annexation

The Applicant is requesting the City of Great Falls annex a tract of land located in GLO Lots 8 and 9, in the SE 1/4 and SW 1/4 of S34, T21N, R4E, Cascade County, Montana. The subject property consists of ± 196.549 acres and the Applicant proposes to establish AGRI-TECH PARK as a rail-served heavy industrial park with an emphasis on value-added processing of agricultural products. Included in the subject property is the abutting portions of 67th Street North, comprised of ± 2.865 acres. Per MCA, this right-of-way must also be annexed as a part of the request.

Zoning

The subject property, upon annexation is proposed, by Staff, to be zoned I-2 Heavy Industrial on Lots 1-8 west of 67th Street North and POS Parks and Open Space on Lots 9 and 10 east of 67th Street North. The Applicant is requesting the entire property be zoned I-2 Heavy Industrial without limits on land use.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and establishing municipal zoning on land. Zoning regulations must:

- Be designed in accordance with the growth policy (comprehensive plan);
- Secure safety from fire and other dangers;
- Promote public health, public safety and the general welfare;
- Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- Provide adequate light and air;
- Consider the effect on motorized and non-motorized transportation systems;
- Promote compatible urban growth;
- Give reasonable consideration to the character of the district;
- Give reasonable consideration to the peculiar suitability for particular uses;
- Conserve the value of buildings; and
- Encourage the most appropriate use of land throughout the municipality.

Planning staff recommends zoning of I-2 (Heavy Industrial) on Lots 1-8 and zoning of POS (Parks and Open Space) on Lots 9-10, recognizing and generally conforming to Cascade County zoning designations. In order to comply with the requirements of MCA, listed above, and promote public health, public safety and the general welfare, and give reasonable consideration to the peculiar suitability for particular uses, staff is also recommending to prohibit certain land uses that would typically be permitted in the I-2 (Heavy Industrial) zoning district as a condition of approval. The prohibit uses are incompatible with the geographical location of the subject property and surrounding properties. Prohibited uses are:

- Fuel Tank Farm
- Freight Terminal

- Helipad
- Junkyard
- Motor Vehicle Graveyard
- Telecommunications and Utility Uses

Staff concludes the above-cited MCA criteria are substantially met subject to the property being zoned as outlined above (Lots 1-8 as I-2 and Lots 9-10 as POS) with conditions of approval.

Major Subdivision Request

The Applicant is requesting the Preliminary Plat of AGRI-TECH PARK ADDITION which consists of ±196.549 acres to be subdivided into 10 rail-served industrial lots. (See Findings of Fact)

Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA

Effect on Agriculture: The subject property is currently being utilized for dry land crop production. Annexation zoning and subdivision of the subject property will take the property west of 67th Street North out of agricultural production. No effects on agricultural water user facilities have been identified for this project. The subdivider does not anticipate any impacts to the downstream irrigation water users with this subdivision.

Effect on Local Services:

Water/Sewer - Access to municipal infrastructure and public services is available in the vicinity of the subject property. The Applicant has already constructed a portion of the required 16-inch water main and submitted plans for sewer mains to the Department of Public Works. The construction of this infrastructure is being done at the Applicant's risk. The City will be required to maintain new sewer and water infrastructure as a part of this application. Public Works has recommended conditions requiring that infrastructure for each lot be reviewed as a part of the SPMP process to ensure the infrastructure meets the demands and requirements for each specific development.

Streets - The Applicant is required to provide a 2-inch overlay of 18th Avenue North within 2 years of annexation and required to bring 67th Avenue North to similar standard as 18th Avenue North at such time as development is proposed on any of the lots adjacent to 67th Street North. The Applicant is not required to provide the standard curb and gutter as a part of this application. The City will ultimately be responsible to maintain the portion of 67th Street North being annexed as a part of this application.

Stormwater - The City Engineer is requiring the development to restrict off-site flows to predevelopment levels by developing retaining and detaining systems on each lot, which will be reviewed by the City's Public Works Department. In addition, the Applicant will be responsible as a condition of the subdivision to mitigate all downstream impacts caused by the development.

Police/Fire - The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ±3.2 miles from the subdivision site. The Applicant is working with the Fire Department to update a Memorandum of Understanding related to law enforcement and fire protection services related to the subdivision. Providing these services to the proposed development will be an increased cost to the City.

Increased tax revenues from improved properties may cover these increased costs. (See Exhibit G - Fire Chief Memo)

Parks/Trails - Per Montana Code Annotated 76-21-621(3)(b), park dedication is not required for subdivisions into parcels that are all nonresidential, therefore no parkland or payment in lieu of parkland is required. River's Edge Trail and Giant Springs State Park are in close proximity to the subject property. The Applicant shall mitigate any adverse impacts to these parks/trails.

Effect on the Natural Environment: The Applicant has not provided enough information related to soils or the water quality or quantity of surface or ground water for staff to be sure there are no adverse effects to said features. As a condition of approval, the Applicant will be required to submit 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 subdivision is located in close proximity to the Missouri River, River's Edge Trail and Lewis and Clark and Rainbow Dam Overlooks and Lots 1 and 8 are of particular concern due to their prominence above these features.

The Applicant is proposing a buffer for Lot 1, but has not proposed any mitigation techniques for Lot 8. Because the project is speculative, staff must consider the effects on the natural environment at such time as actual development occurs on each lot. Therefore, a condition of approval will be that the developer of each lot go through the SPMP process and mitigate negative impacts to the natural environment.

Effect on Wildlife and Wildlife Habitat: The historical use of the property for agricultural purposes has limited the potential for development of significant areas of mature vegetation. No known endangered species or critical game ranges have been identified on the proposed subdivision. The subdivision is located close to the Missouri River in an area that is habitat for a large number of resident and migrating bird species. The Department of Fish, Wildlife & Parks has identified potential impacts including concerns for stormwater controls, noise, light, motor vehicle traffic, litter and visual impacts that the subdivision may cause to the adjacent State Park and associated wildlife and wildlife habitat. The Applicant will be required to, as a part of the SPMP process, provide a professional study to determine effects of and mitigation techniques for the proposed development to the adjacent State Park.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high-pressure gas lines, high traffic volumes, or mining activity. The subdivision does have high voltage power lines that run from the southeast corner to the northeast corner of the site. The Applicant will be required to demonstrate the necessary easements and proper safety measures to ensure the public health and safety from this hazard.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

The Applicant is to provide necessary utility easements to accommodate water mains, sanitary sewer mains, railroad, stormwater drainage and conveyances and private utilities to serve all lots in the subdivision.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by 18th Avenue North and 67th Street North. 18th Avenue North is public right-of-way maintained by the City of Great Falls. 67th Street North is being annexed as a part of this Application and will be dedicated and improved to provide access to each lot adjacent to 67th Street North.

2005 City of Great Falls Growth Policy:

The area of River Drive North between 38th Street North and 57th Street North contains a mix of industrial development, some in the City and some in the County, zoned I-2 (Heavy Industrial). The subject property and the adjacent undeveloped Advanced Bio-fuels property are located north and east of this area at the very edge of the city and are currently used for dry-land farming.

The Environmental Element of the Growth Policy addresses air quality, water quality and environmental issues. Goals include:

- Maintain and improve the quality of the area's air and water, even as the community grows.
- Preserve open spaces of significant scenic, interpretive, recreational or educational value.
- Protect from development lands that are subject to environmental constraints to the extent that the development may imperil life and property.

Goals of the Economic Element of the Growth Policy include:

- Enhance, strengthen, and expand the economic base.
- Attract new businesses and support expansion of existing businesses that tend to raise the minimum income level.
- Attract industries that preserve the quality of life.
- Encourage businesses and industries that will utilize existing infrastructure.

The Land Use Element of the Growth Policy identifies the "area in and near North Park Addition and east of Source Giant Springs" as land available for industrial growth and that isolated industrial locations should be avoided in favor of new firms locating in existing industrial areas or in new industrial parks.

Goals include:

- Support and encourage efficient, sustainable development and redevelopment throughout the community.
- Preserve, as appropriate, open space, prime agricultural lands, environmentally sensitive lands, scenic vistas, and the character and qualities of such lands.

Therefore, infill development or the development of industrial parks is preferred to isolated new industrial sites so long as lands that are subject to environmental constraints are protected, quality of life is protected, and environmentally sensitive lands and scenic vistas are preserved.

2004 Missouri River Urban Corridor Plan:

While the specific project area for the Missouri River Urban Corridor Plan generally is Park Island to just east of the Black Eagle Dam, the "guiding principles" of the plan are key and should be considered particularly in the context of potential impacts on Whitmore Ravine:

- From the standpoint of river dynamics, no riverside development or stream bank treatment will prevent the Missouri River from safely passing flood stage flows, nor will permanent development be allowed that will be damaged by those flows.
- Land and water based recreational values and opportunities associated with the river will be created, preserved and enhanced, including public access to the river.
- This Corridor Plan will promote beneficial, sustainable, economic development that utilizes the river as an amenity while preserving and enhancing its ecological integrity and asset values. Specifically, water quality, natural shoreline vegetation, and wetlands will be restored, enhanced or protected, and the environmental health of the river will not be compromised by development.
- Major through transportation facilities in the river corridor are discouraged. Alternative routing of such facilities already in the corridor through responsible urban area transportation is encouraged.

Recommendations

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. The Zoning Commission has the responsibility to review and make recommendations on zoning requests. As such, each of the three recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

Recommendation I:

It is recommended the Planning Advisory Board recommend the City Commission approve annexation of AGRI-TECH PARK ADDITION, a tract of land located in GLO Lots 8 & 9, the SE 1/4 and SW 1/4 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.

Recommendation II:

It is recommended the Zoning Commission recommend the City Commission approve establishing a City zoning classification of I-2 Heavy Industrial district to Lots 1-8 and POS Parks and Open Space to Lots 9-10 AGRI-TECH PARK ADDITION upon annexation, subject to the Planning Advisory Board adopting Recommendation I (above) and the conditions of approval being fulfilled by the Applicant.

Recommendation III:

It is recommended 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 (above) and the following conditions of approval being fulfilled by the Applicant.

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.
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 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.

Next Steps

1. The Planning Advisory Board and Zoning Commission recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Annexation and Rezoning.
3. If approved, the Applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Patty Cadwell, Neighborhood & Youth Council Coordinator

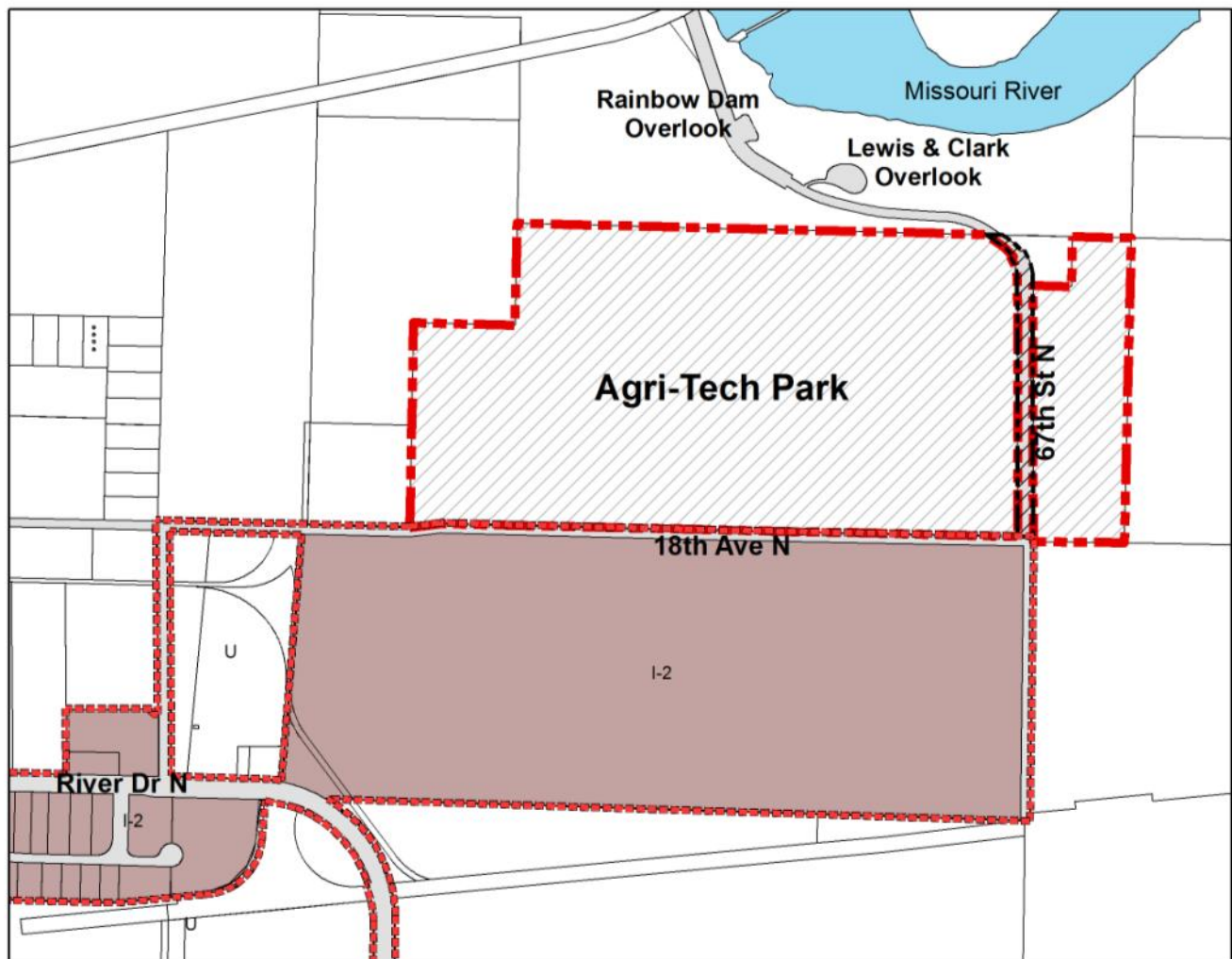
Randall McCamley, Fire Chief

Susan Conell, Cascade County, sconell@cascadecountymt.gov

Great Falls Development Authority, Brett Doney, bdoney@gfdevelopment.org

John Juras, TD&H Engineering, john.juras@tdhengineering.com

EXHIBIT A - ZONING MAP



----- City Limits	C-4 Central business core	R-1 Single-family suburban
Agri-Tech Park	C-5 Central business periphery	R-2 Single-family medium density
Right of Way Being Annexed	I-1 Light industrial	R-3 Single-family high density
Tracts of Land	I-2 Heavy industrial	R-5 Multi-family medium density
ZONING	M-1 Mixed-use district	R-6 Multi-family high density
AI Airport Industrial	M-2 Mixed-use transitional	R-9 Mixed residential
C-1 Neighborhood commercial	PLI Public lands institutional	R-10 Mobile home park
C-2 General commercial	POS Park Open Space	Unincorporated Enclave
C-3 Highway commercial	PUD Planned unit development	Right-of-Way

630 315 0 630 Feet



Agri-Tech Park

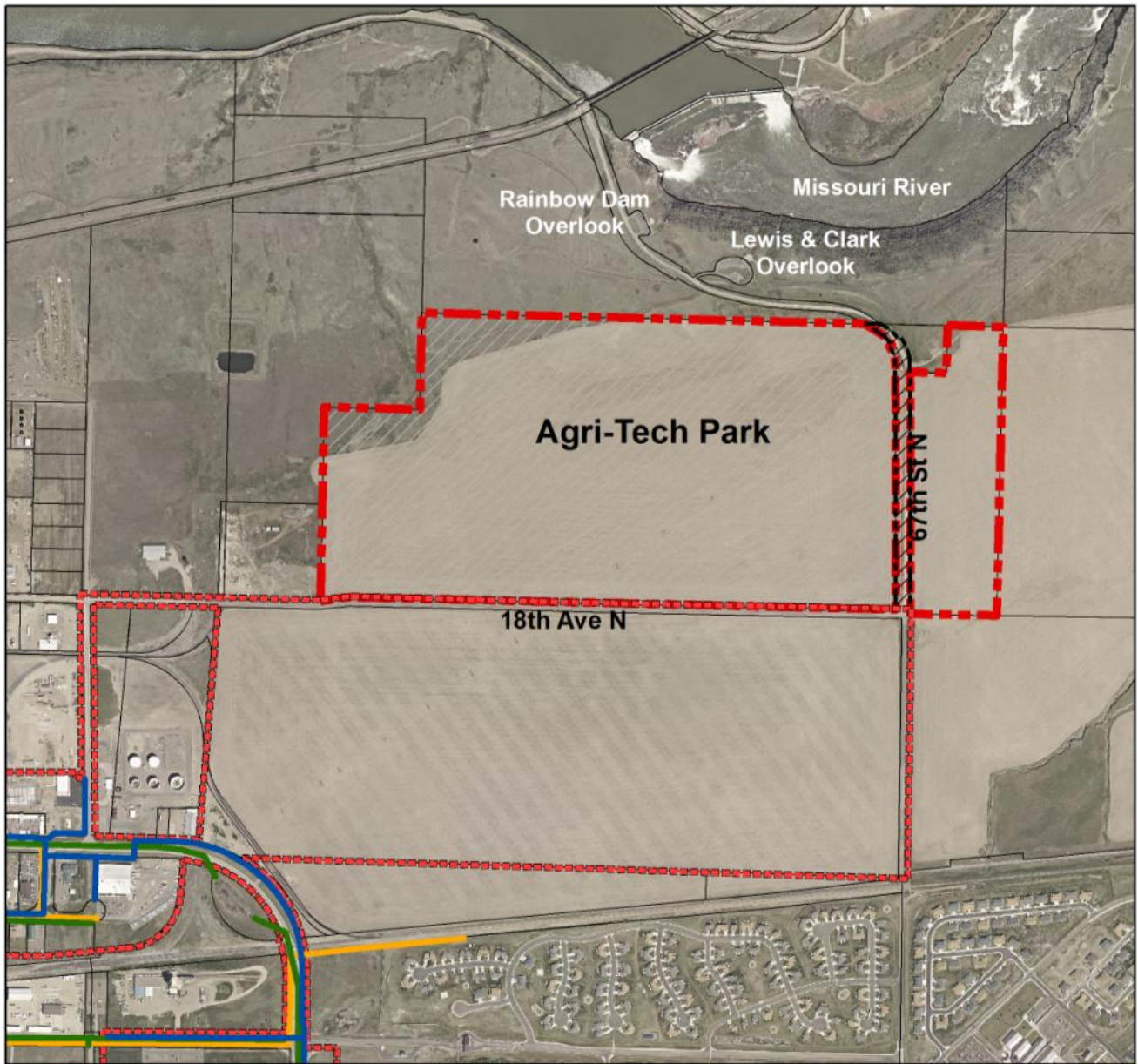
EXHIBIT B - AERIAL PHOTO



- City Limits
-  Agri-Tech Park
-  Right of Way Being Annexed
-  Tracts of Land



EXHIBIT C - UTILITY MAP



- | | |
|----------------------------|--------------|
| City Limits | — WaterMains |
| Agri-Tech Park | — SewerMains |
| Right of Way Being Annexed | — StormMains |
| Tracts of Land | |

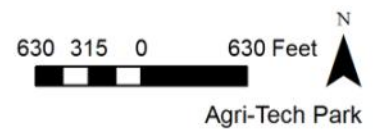


EXHIBIT D - APPLICATION

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

AgriTech Park Addition

Name of Project / Development:

Great Falls Development Authority

Owner Name:

PO Box 949 Great Falls, MT 59403

Mailing Address:

406-771-9021

bdoney@gfdevelopment.org

Phone:

Email:

TD&H Engineering, John Juras, Project Engineer

Representative Name:

1200 25th St S, Great Falls, MT 59405

Mailing Address:

406-761-7021

john.juras@tdhengineering.com

Phone:

Email:

PROPERTY DESCRIPTION / LOCATION:

Sections 35 and 35

T 21 N

R 4 E

Mark/Lot:

Section:

Township/Block:

Range/Addition:

Street Address:

ZONING:

I-2 Heavy Industrial

I-2

LAND USE:

Agricultural

Industrial

Current:

Proposed:

Current:

Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature:

Date:

5/10/12
17 February, 2012

Representative's Signature:

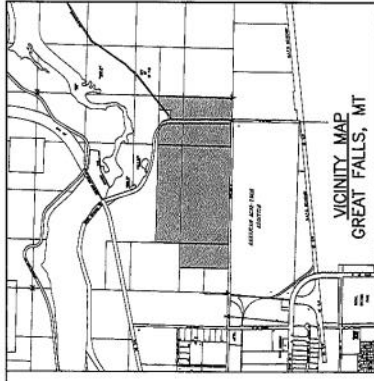
Date:

A TRACT OF LAND LOCATED IN LOTS 8 & 9, THE SW1/4, AND THE SE1/4 OF SECTION 34, T21N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA
A PLAT OF THE AGRI-TECH PARK ADDITION
LAND OWNERS: JOHN R. LOY TRUST B ETAL, CASCADE COUNTY

LAND OWNERS: JOHN R. LOY TRUST B ETAL, CASCADE COUNTY

A PLAT OF THE AGRI-TECH PARK ADDITION

THE SE1/4 OF SECTION 34, T21N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA



LINE	BEARING	DISTANCE
L1	S89°12'07"E	113.78
L2	S57°13'07"E	43.86
L3	N54°36'53"E	20.00
L4	S00°43'07"E	47.88
L5	N00°08'18"E	30.00
L6	N89°32'35"W	60.01
L7	S57°13'07"E	139.94
L8	S32°21'07"E	35.04
L9	S00°31'13"E	97.60

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	329.16'	2152.00"	117.99'	N107°10'W	117.27'
C2	309.18'	2142.00"	168.97'	N107°07'W	135.95'
C3	249.16'	2192.00"	93.99'	N167°10'E	84.51'
C4	250.00'	2149.64"	151.53'	S17°50'E	149.65'
C5	603.60'	2619.45"	293.54'	N17°13'E	295.51'
C6	603.60'	37°30'14"	34.94'	N75°45'27"E	339.31'
C7	603.60'	207°22'35"	88.24'	N53°33'41"E	88.16'
C8	603.60'	211°25'30"	255.70'	N79°46'50"E	233.19'

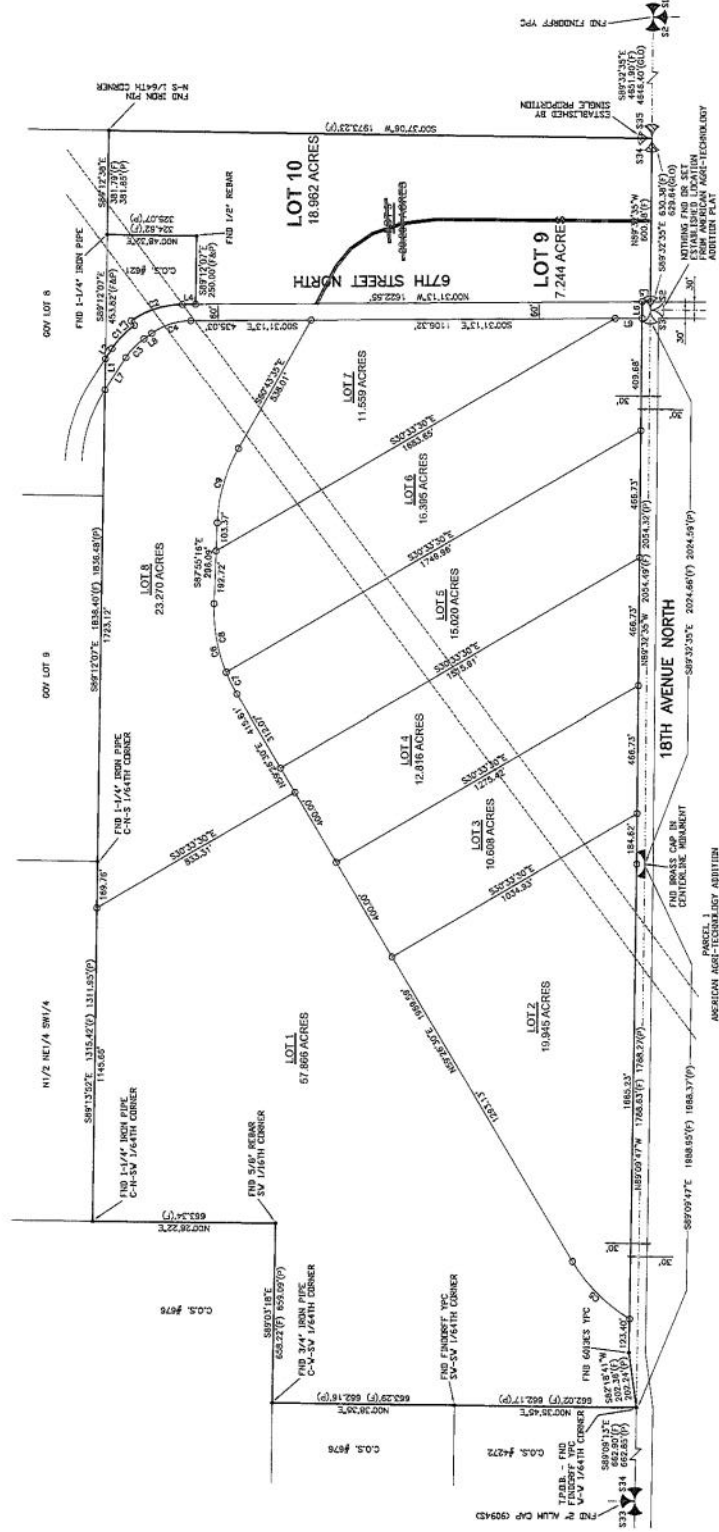
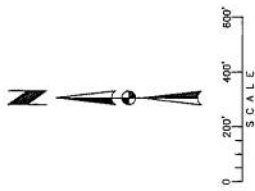


EXHIBIT F - SITE PLAN

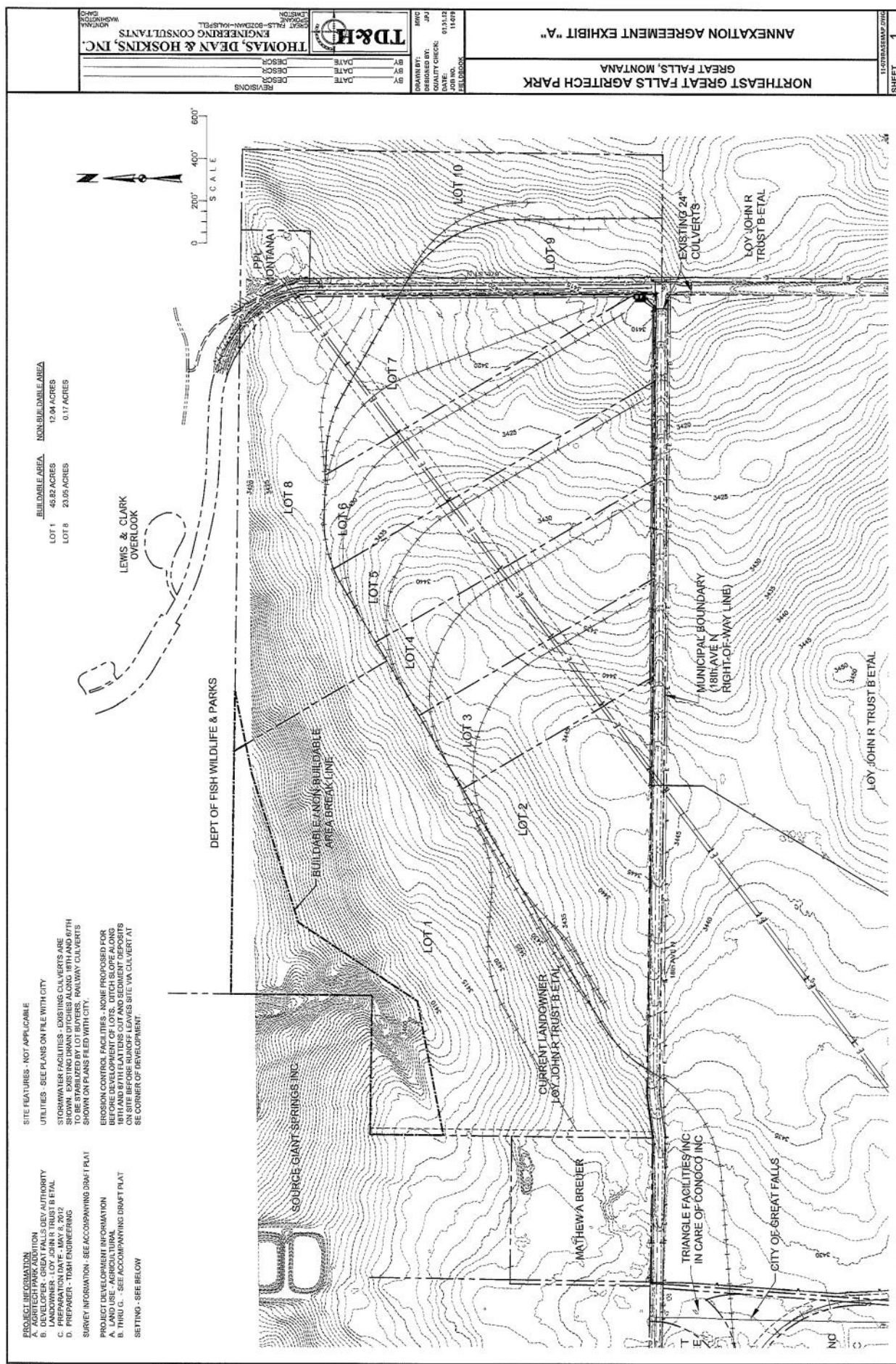


EXHIBIT G - FIRE CHIEF MEMO

Great Falls Fire Rescue

Memorandum



DATE: June 28, 2012
FROM: Doug Bennyhoff
TO: Jana Cooper
RE: Agri-Tech Park

Thank you for the opportunity to comment on the Agri-Tech Park project. Great Falls Fire Rescue feels that some of these items need to be addressed before the project proceeds and is approved.

The first issue that we feel needs to be addressed is the Memorandum of Understanding (MOU) that the City developed with the Great Falls Development Authority (GFDA).

1. We feel that the MOU needs to be updated relative to the items listed below:
 - a. The Ordinance number referenced on page 2, third paragraph is incorrect. It should be 13.2.080.
 - b. Page 4 with regard to the definition of services that GFDA will receive through this MOU, Section C "Hazardous Materials" states that "confined space rescue services for OSHA permitted entries....."
 - i. We do not currently have a Confined Space Rescue Team so we could not provide this service. This line needs to be stricken from the MOU.
 - c. With regard to the Fire Prevention activities (Page 4 "D"). This needs to be clarified to determine who will be responsible for conducting annual fire inspections on the facilities. Will the State Fire Marshal or City Fire Department be responsible for these fire inspections? If GFFR is providing the fire inspections will the inspector have authority to enforce correction of code violations?
 - i. Our recommendation would be to include wording as follows:

EXHIBIT G - FIRE CHIEF MEMO

Memorandum

2

1. GFFR will perform fire inspections upon request or the occupant and record of violations will be submitted to the County Attorney.
2. Lastly we would like to share, with the developer, our concerns with the response distance as we do with other outlying areas. Due to the distance of the proposed development to the closest city fire station, we have determined the travel time to be approximately 6 minutes or greater. This emergency response travel time is calculated by using a generally accepted emergency response time formula and historical response time data when available.

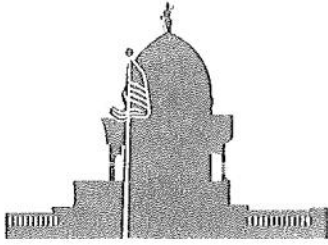
The National Fire Protection Agency (NFPA) **1710** 5.2.4.1.1 *"The fire department's fire suppression resources shall be deployed to provide for the arrival of an engine company within 240-second travel time to 90 percent of the incidents as established in Chapter 4."*

Based on the travel distances and the corresponding travel time, the fire department is concerned with meeting the developer's emergency response performance outcomes and expectations.

Respectfully submitted,

Fire Marshal Doug Bennyhoff

EXHIBIT H - CASCADE COUNTY POSITION LETTER



CASCADE COUNTY

BOARD OF COMMISSIONERS
325 2nd Avenue North
Great Falls, MT 59401
Tel. (406) 454-6810
Fax: (406) 454-6945
commission@co.cascade.mt.us
www.co.cascade.mt.us

June 8, 2012

City of Great Falls
Community Development and Planning Department

Colleagues,

Thank you for the opportunity to comment on the requested annexation, zoning and subdivision request submitted on behalf of Great Falls Development for the "AgriTech Park Addition".

Although the Cascade County Commission remains supportive of the AgriTech Park concept and has provided \$20,000 to assist in its development, we have a number of concerns regarding the specific plan before you.

One item we need to bring to your attention is that not all of the land included in this proposal is currently zoned I-2 Heavy Industrial as the documents indicate. The County Commission only zoned the portions of this project west of 67th Street North I-2, the rest remains zoned as agricultural.

The action to retain the agricultural zoning East of 67th was by design, not by accident. GFDA asked if the County Commission would be willing to rezone areas east of 67th Street North and we declined.

During the public discussions of the rezoning action, a number of concerns were raised that we felt were valid and would now like to pass on to you. These are items which would have been addressed via conditions in our subdivision process.

- 1) The proximity of the development to the Rivers Edge Trail and River Recreational corridor present difficulties for the Northern sections of what are now identified as lots 1 and 8. During the zoning process GFDA was made aware that should it be subdivided under County regulations visual screening would be required along the Northern edges of these lots. We warned GFDA that this requirement coupled with the topography would severely limit the number of buildable acres contained in lot 1 and lot 8.
- 2) The proximity to Malmstrom AFB housing was also raised during the zoning process and once again we informed GFDA that some mitigation might be necessary depending on the specifics of the subdivision plan. We would hope that the City would also consider this in its evaluation of the proposed annexation, zoning and subdivision plan.
- 3) Although there were a number of concerns regarding the extension of the park east of 67th Street North, foremost among them was the proximity to the Whitmore Ravine area. This ravine has been a subject of concern for many years due to the amount of erosion and subsequent deposition of its soils into the Missouri river. The County Commission felt strongly

EXHIBIT H - CASCADE COUNTY POSITION LETTER

that including properties east of the 67th Street North would further expand and complicate an already difficult environmental concern.

In closing, we are disappointed that GFDA has chosen to put forward a plan that had it been shared with the County at the outset would have likely caused us to deny the original change of zoning from Agricultural to I-2.

Sincerely,

Board of County Commissioners
Cascade County, Montana



Joe Briggs
Commissioner



Bill Salina
Commissioner

EXHIBIT I - MONTANA STATE PARKS POSITION LETTER



P.O. Box 200701
1420 East 6th Ave
Helena, MT 59620-0701
June 28, 2012

Mike Haynes
Director of Planning & Community Development
City of Great Falls MT
Civic Center Room 112
Great Falls, Montana 59403

Dear Mike:

We are providing this letter to support the City of Great Falls' efforts to establish adequate and effective protections for Giant Springs State Park and its associated lands in reference to the proposed AgriTech Industrial Park. As you know, the rail-served, heavy industrial park is proposed to be developed adjacent to Giant Springs State Park, which is the most visited State Park in Montana with over 300,000 visitors per year. The Parks division also strongly supports economic development throughout Montana and takes pride in the economic benefit state parks provide to Montana's tourism industry as well as quality of life throughout the state. Additionally, the division is not opposed to the industrial park, but is interested in adequate protections in several areas of concern.

The division has been involved in the planning process through its State Parks staff in Great Falls, and we appreciate your efforts to help protect the State Park, the River's Edge Trail, associated PPLM lands managed as part of Giant Springs, and Missouri River corridor. In discussions with the developer and design engineer, our staff has requested a series of reasonable protections for the State Park, its visitors, and the outstanding natural resources contained within the park and in the Missouri River Corridor. We trust that these protections can be implemented through the City Annexation process to ensure that statewide public interests associated with its status as a State Park, and its nationally recognized historic significance will be balanced with local economic development opportunities.

Giant Springs State Park is an important component of Great Falls' economic program through its attractiveness to out of town visitors to the State Park, many of whom spend considerable money in the community through lodging, restaurants, gasoline, and purchasing of supplies at local businesses as part of their visit to the Park. In 2010, visitors to Region 4 State Parks, including Giant Springs, contributed \$3.7 million to the local economy and as a result, created 60 jobs, \$1.5 million in labor income, and \$4.6 million in industry sales. The State Park is also important to local residents who use the park for family activities, school programs, outdoor recreation, scenic viewing, environmental

EXHIBIT I - MONTANA STATE PARKS POSITION LETTER

Mike Haynes

June 28, 2012

Page 2 of 4

education, special events, wildlife viewing, exercise, and pleasure driving. A scenic and enjoyable river corridor is recognized as one of the most desirable attributes for the City of Great Falls and we support efforts to protect those attributes. Our concern is that without sensitive development of the AgriTech project many of the values that attract out of town visitors and are enjoyed by local residents would be negatively impacted.

Below is a summary of the discussions we have had with your staff, the developers, and the design engineers:

Storm water controls

Several of the AgriTech proposed lots drain toward the State Park. On the heels of a very recent land slough on the river which had very high costs to both PPLM and the state of Montana, we are concerned that storm water will be discharged into several small coulees and draws within the State Park that do not currently experience appreciable flows and are dry most of the year, and contain healthy vegetation. Improper storm water controls will allow storm water to run off non-permeable surfaces within the industrial park and will create erosion within the State Park. We believe well engineered storm water protection within the industrial park can lessen the impacts on our property, and feel that the storm water infrastructure should be designed and installed in a comprehensive manner prior to development to ensure design parameters set by the City are met. We are supportive of the City's establishment of stringent storm water requirements as part of the Annexation Agreement.

For storm water that is discharged through the State Park, we are interested in entering into a stream easement or similar legal document to address the liability of the discharges onto Park lands and financial and environmental responsibility to correct damage.

We are also concerned that changes in the hydrology of the area from the industrial development may allow for additional seepage within and along the subsurface and increase the potential for landslides at Lewis & Clark Overlook and Rainbow Overlook. Proper storm water handling infrastructure as part of the industrial park design can lessen or eliminate this concern.

Visual impacts

Currently the land upon which proposed AgriTech will be developed is agricultural, with no buildings or structures other than wooden utility poles present. We have discussed the need for visual buffers between the Park lands, River's Edge Trail and Overlooks with the developers and the City. Our hope is that adequate portions of the land proposed for development be left as open space, and/or developed as irrigated vegetative buffers between the Park and the industrial park. We support the City's efforts to designate certain areas as unbuildable to maintain a suitable open space corridor along the Missouri River.

For the areas that are developed as industrial properties, we encourage the use of height restrictions and set-backs to reduce the visual impacts on the Park and river corridor. AgriTech is proposed for the

EXHIBIT I - MONTANA STATE PARKS POSITION LETTER

Mike Haynes

June 28, 2012

Page 3 of 4

high ground above the Park and River's Edge Trail and the impact of tall buildings, structures and towers could be significant.

Besides buffer areas and height restrictions, please consider provisions in the development plans to utilize non-reflective building materials, earth tone colors, and natural components to lessen the impact to State Park visitors and out of state guests who enjoy the site.

Noise Impacts

Currently park visitors enjoy a quiet outdoor setting, with little mechanical noise intrusion. Rail-served industries can produce significant amounts of noise through their operations and materials handling. Please consider noise reduction efforts by the industries and rail companies, and encourage the establishment of noise level restrictions in the Annexation Agreement to reduce the impact on Park visitors. We would also encourage considerations on time of day, and weekend and holiday operations to minimize impacts to the Park visitors. Good vegetative barriers may also absorb noise.

Light Impacts

As discussed with the developers and design engineers, we encourage efforts to minimize the intrusion of artificial light from the industrial facilities into the low-light setting that currently exists in the Park. We encourage the use of methods such as that provided by Leadership in Energy and Environmental Design (LEED) to effectively minimize the amount of light emitted onto Park land from AgriTech. Methods would include proper selection of light fixtures, directed lighting, lower pole heights, timers and occupancy sensors to restrict lighting to times of operation, etc. We understand there are concerns for employee safety and facility security, but these concerns can be addressed through thoughtful consideration of lighting alternatives and may also be addressed through vegetative visual impact measures.

Motor Vehicle Traffic

Truck traffic and passenger vehicle traffic accessing and departing from AgriTech should be confined to 18th Ave North access points and not be permitted to use Giant Springs Rd. Road restrictions will be needed to prevent truck traffic from entering Giant Springs Rd from 67th St, and from River Drive. Recently, Giant Springs Road was designated as a Montana Scenic Byway. While this designation does not prohibit commercial use, the designation further underscores the significance of the park on a statewide and national level.

Litter

With the high winds commonly found in Great Falls, and even more so at AgriTech's proposed location on high, open ground, litter being blown from processing yards, storage yards, and from truck traffic is a serious concern for the Park. This litter can also be easily blown into the river. Strict controls will be needed to ensure AgriTech tenants eliminate the possibility of litter blowing from their facilities or trucks. Tenants also need to be responsible for collecting the litter off of their sites as it occurs.

EXHIBIT I - MONTANA STATE PARKS POSITION LETTER

Mike Haynes
June 28, 2012
Page 4 of 4

In closing, we see opportunities for balanced development in a manner that will protect the national and statewide significance of park resources, maintain economic and recreational benefits provided by Giant Springs State Park and its associated lands while continuing to make Great Falls a wonderful place to live and work. We applaud the City of Great Falls in recognizing the importance of Giant Springs to the local economy and quality of life and incorporating effective protections into the Annexation Agreement. Please contact Regional Park Manager Matt Marcinek at (406) 454-5859 if additional information is needed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Chas Van Genderen', is written over a light blue horizontal line.

Chas Van Genderen
Administrator
Montana State Parks

EXHIBIT J - WRITTEN PUBLIC COMMENT

To Whom it May Concern:

As a resident of the east side and a frequent user of the nearby sections of the River's Edge Trail, I think the questions of *whether* and *how* are critical in decisions regarding the proposed AgriTech Industrial Park adjacent to the Giant Springs Co. on 18th Avenue North. We rely on the powers that be to do the right thing for the public interest in every case. So I have a few things to say.

The River's Edge Trail is the best thing going in Great Falls and has been for the fifteen years my wife and I have lived in the city, with our now 20-year-old daughter with disabilities in a wheelchair. She has grown up learning to thrill to the excitement of the air currents forceful or mild in her face, and her chair has been a stabilizer for her parents as we slip across glazed patches of the trail in winter. Her experiences along these less developed neighborhoods of the trail have been the exotic bits of rare wilderness in her world, which otherwise consists of artificial environments. She loves it. She's a Montana girl.

So there is a big land use conflict between the location of the industrial park right up to the brim of the hill on top of the Rainbow Falls Overlook and the nearby parking areas for sightseers and trail users. Many tourists who find their way to this precipitous viewpoint are treated to what may be their only glimpse of the really dauntingly deep canyon which faced the Lewis and Clark expedition. The Missouri River is a major feature and attraction of our region and certainly the greatest asset we enjoy. Is it helpful to the good reputation of our community to position industries of unknown hazards and descriptions on top of our guests?

Strategically situated directly upwind of the trail and the parking areas of the Falls overlook, any industries which locate there, particularly in the lots designated 1, 5, 6, 7, 8 and 9, will directly impact the sensibilities of all trail users with any visual distractions, noises, odors or vapors emanating from the premises. If hazardous substances are produced or employed and are transported through the area of the lands adjacent to the overlook, some number of toxic spills are likely to the point of being inevitable, and any contamination will flow to the river.

A walk along the length of the trail is already like a tour of once and future Superfund sites. All things being equal, it would be a much better idea to make a new plan and locate any such industrial park near the malting plant north of town on Highway 87 in terms of the possibility of conflicts of interest with current and popular use. Or, if some of these lots must be host to industries of any sort I would urge the planners to locate them only in Lots 2, 3 and 4 before making any foolish mistake like giving away another prime river view property to another dirty industry for us to gaze at in our time off.

Thanks for your consideration of my point of view on the development of this special area. It is hugely important to the entire community and the region that no avoidable or irrevocable mistakes are made here anymore.

Sincerely,

Daniel S. Biehl 4212 Clark Avenue Great Falls, MT 59405 ph. 727-6177 <dsbiehl@yahoo.com>

EXHIBIT J - WRITTEN PUBLIC COMMENT

Michael Haynes

From: Beth Hill [grizhill@gmail.com]
Sent: Wednesday, January 18, 2012 12:14 PM
To: Michael Haynes
Subject: Concern about Agri-Tech Park

Mike Haynes

City Planning Director

Great Falls, MT 59403

Mr. Haynes

Great Falls was established because of the river. The river is still a vital part of Great Falls, but for additional reasons today. Energy production is still important for the city in terms of economics. However, the riverfront has grown to mean much more to the city's residents. Innumerable residents and visitors use the River's Edge Trail daily for a commute, personal exercise, to walk the dog, to relax, to bird watch and more. It is irreplaceable and a greater economic force to the city than has been quantified. The river is exceedingly valuable to migrating birds. Thousands of water birds as well as those that use the riparian area (vegetative borders along the river) depend on a healthy river corridor during their migration. Therefore, I have great concern about the proposed annexation and development of the open land above Rainbow Dam (Agri-Tech Park). I have concerns on many levels. It is important to preserve an open view in that area. More cranes, towers, power lines, not to mention the buildings, vehicles, etc. that would be seen from the Rainbow Overlook and "the trail" is NOT desirable. Runoff is a big concern. Whenever anything gets paved over – there will be more runoff. It isn't just the water, but what the water carries with it (spilled oil, gas, and other byproducts of a heavy industrial area). There will be more noise – not just the industries themselves, but trains and semi-trucks that service the area. I am seriously concerned about how the building height, windows, towers, power lines and night light will affect migrating birds. Birds suffer incredible losses from all those structures already, to add them in the middle of their migratory corridor is asking for greatly increased mortality. Finally, the economics of the location just don't make sense. Even though it isn't far from a railroad line – it is a long ways from the major highways (other than highway 89 going east). That means a lot of traffic through town. Are the roads up to it? In addition – if it was built to capacity – there is little room to expand further. A larger site near the malting plant would allow for much more expansion, is well away from the city proper where noise, smells, traffic would be much less of a problem.

Those are just a few of my concerns,

Beth Hill

803 3rd St NW

Great Falls, MT 59404

EXHIBIT J - WRITTEN PUBLIC COMMENT

December 8, 2011

To Whom It May Concern:

Giant Springs State Park is unquestionably the grand jewel of Great Falls. It is a peaceful park, an extraordinarily beautiful place where many family gatherings, weddings, and other memorable occasions take place every year. It showcases a geologically significant underground springs that was remarked upon by Lewis and Clark and remains a unique phenomenon to this day. It is also part of an expansive natural habitat for all sorts of creatures.

I have spent years walking to Giant Springs State Park and beyond, through its surrounding fields and open spaces and along the river's edge, each morning and evening along the trails. I can assure you, from personal experience over the years, that there are always great numbers of wildlife living and thriving in this environment, from fish and birds of all sorts (pelicans, goldfinches, tanagers, geese, several types of ducks, great horned owls, cliff swallows, just to name a few), foxes, deer, rabbits, snakes, beavers, marmots, and many others. The excellent trail system that weaves in and out of this park allows people like me to witness and take great pleasure in the intimate activities of different creatures throughout the entire year, as they take care of and raise their young, create homes, migrate in and away, and all other expressions of life that are so sustaining to the mind and spirit.

Giant Springs State Park is an exceptional environment. In every manner, it provides the kind of sanctuary that is harder and harder to find in today's world.

EXHIBIT J - WRITTEN PUBLIC COMMENT

If Great Falls is ever to attract significant growth in the future, it will depend upon the attraction of a river corridor that gives this town its distinction. Other parts of our riverfront have already been lost to industry. (Why wouldn't any new industrial park be located somewhere like this that has already been compromised??) A rare oasis like Giant Springs State Park must be valued and guarded with every care possible!

If the town of Great Falls can summon an intelligent, compassionate, and long-sighted perspective, it will base its decisions on the radical importance (wisdom) of protecting and conserving this one-of-a-kind natural jewel, a State Park that is priceless in its significance.

Is this the kind of community that would needlessly compromise something so special and rare for something so common? We hope not.

Lynne and Harrison O'Connor

EXHIBIT J - WRITTEN PUBLIC COMMENT

From:	Syd Rogers <irun4me2@hotmail.com>
To:	Michael Haynes <mhaynes@greatfallsmt.net>
Date:	2011-11-29 09:08:50
Subject:	Agri-tech park

Mike -

I am writing in support of plans to develop this property but with the proper environmental awareness, namely limited light pollution, height restrictions, color blending, and landscaping such as building berms and planting trees to buffer the River's Edge Trail. It is my understanding that many groups have been working towards proposals of these things and I would only like to add my voice in support.

Thank you for your time and attention to this matter. If you have any questions, please do not hesitate to contact me.

Syd Rogers

Cowboy Code

Live each day with courage
Take Pride in your work
Always finish what you start
Do what has to be done
Be tough but fair
When you make a promise, keep it
Ride for the Brand
Talk less and say more
Remember that some things aren't for sale
Know where to draw the line