

PLANNING ADVISORY BOARD ZONING COMMISSION

JUNE 12, 2011

Case Number

ANX2012-5
ZON2012-5

Applicant

Eugene Shumaker, Shumaker
Trucking & Excavating

Property Location

3501 Old Havre Highway

Requested Action

Annexation of ±1.79 acres located east of US Highway 87, north of the previously vacated 34th Avenue NE alignment.

Rezone the subject properties from County I-2 Heavy Industrial to City I-2 Heavy Industrial district.

Neighborhood Council

Neighborhood Council #3

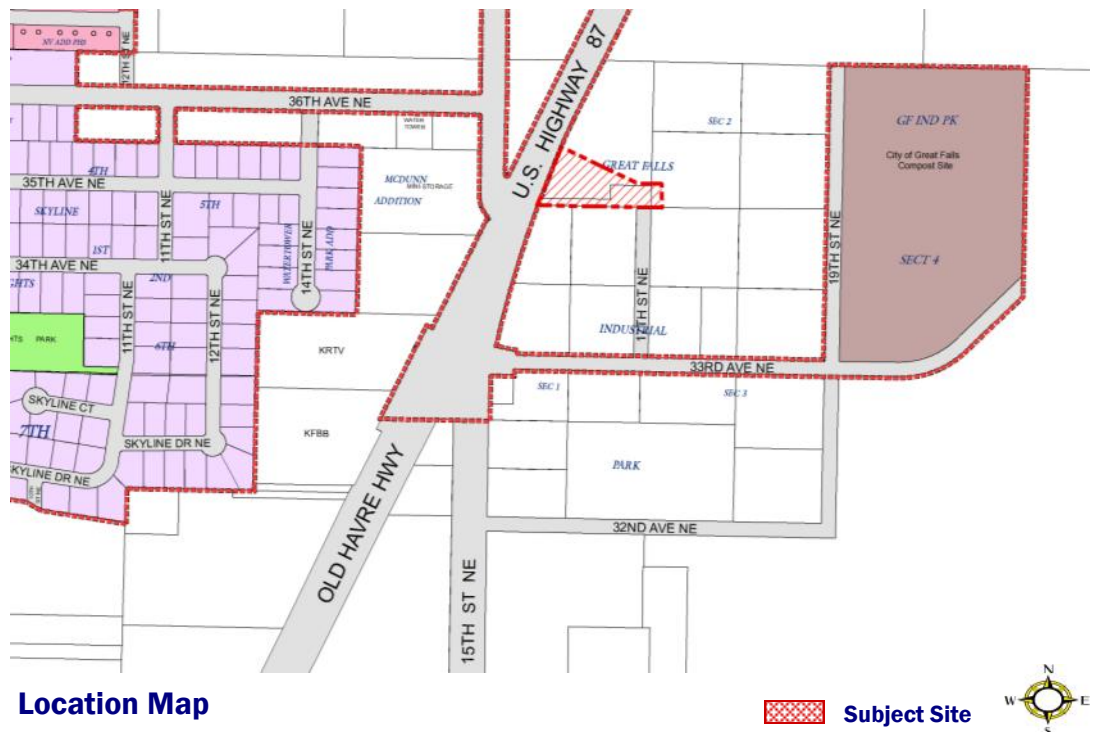
Recommendation

Approval of the request with conditions.

Project Planner

Jana Cooper, RLA

ANNEXATION & ZONING FOR SHUMAKER TRUCKING & EXCAVATING



Location Map

 **Subject Site**



Summary

Project Description

The subject property is generally located east of US Highway 87, north of the previously vacated 34th Avenue Northeast alignment.

The applicant is requesting annexation and establishment of City zoning of Lot 1AA, Block 1, Great Falls Industrial Park Section 2, comprising ±1.79 acres.

Background

- Legal Description of property: Lots 1AA, Block 1, Great Falls Industrial Park Section 2, NW1/4, Section 31, Township 21 North, Range 4 East
- Area of property: ±1.79 acres

Agency Comment

Representatives from the City's Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the client or in the conditions of this report.

Existing Conditions

The existing site information for the said property includes:

Existing Use: The subject property consists of an existing washbay, which is a part of Shumaker Trucking and Excavating. Shumaker Trucking and Excavating is a Contractor Yard, which means a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space. (Official Code of the City of Great Falls OCCGF).

Adjacent Land Use: North and east of the subject property is unincorporated land that is also owned by Shumaker Trucking and Excavating and is part of their Contractor Yard and is zoned County I-2 Heavy Industrial. East of the Shumaker land is the City of Great Falls Compost Site, which is zoned City I-2 Heavy Industrial. South of the subject property are existing industrial operations, which are zoned County I-2 Heavy Industrial. West of the subject property is US Highway 87 and existing mini-storage units, which are zoned County B-2 General Business. See Exhibit A - Vicinity/Zoning Map and Exhibit B - Aerial Photo for the zoning and existing land uses of the surrounding properties.



View Southeast toward Lot 1A, Block 1 and washbay.

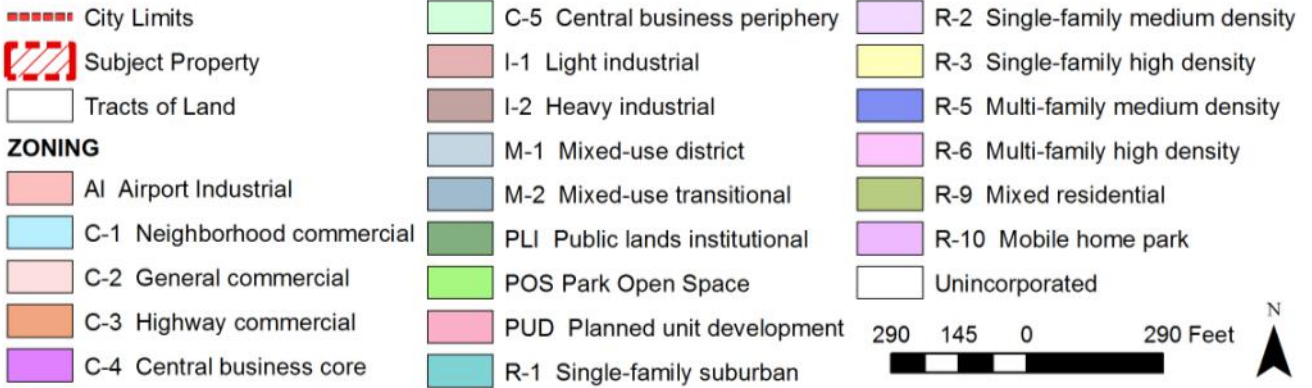
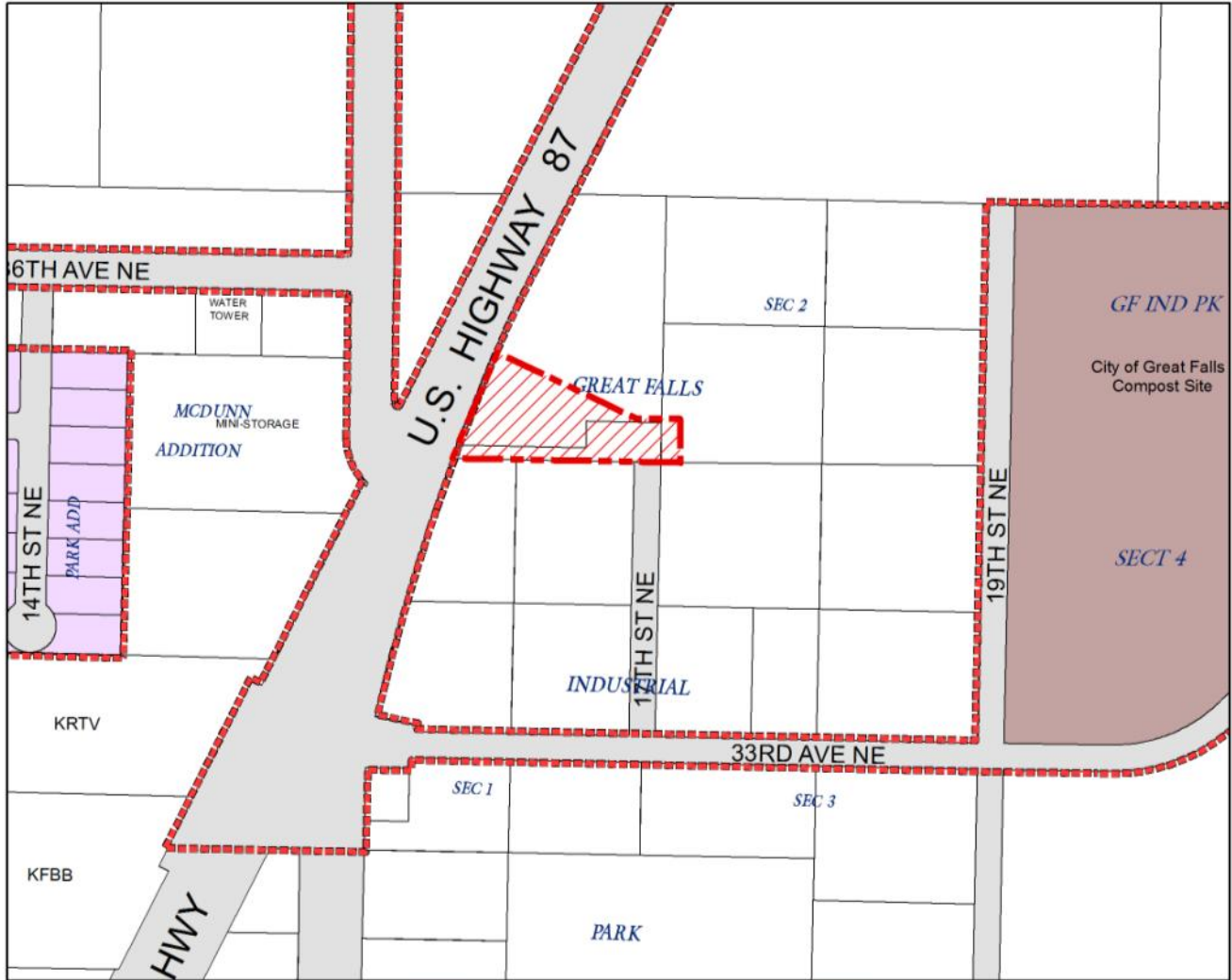


View South toward Lot 1A, Block 1 and washbay.



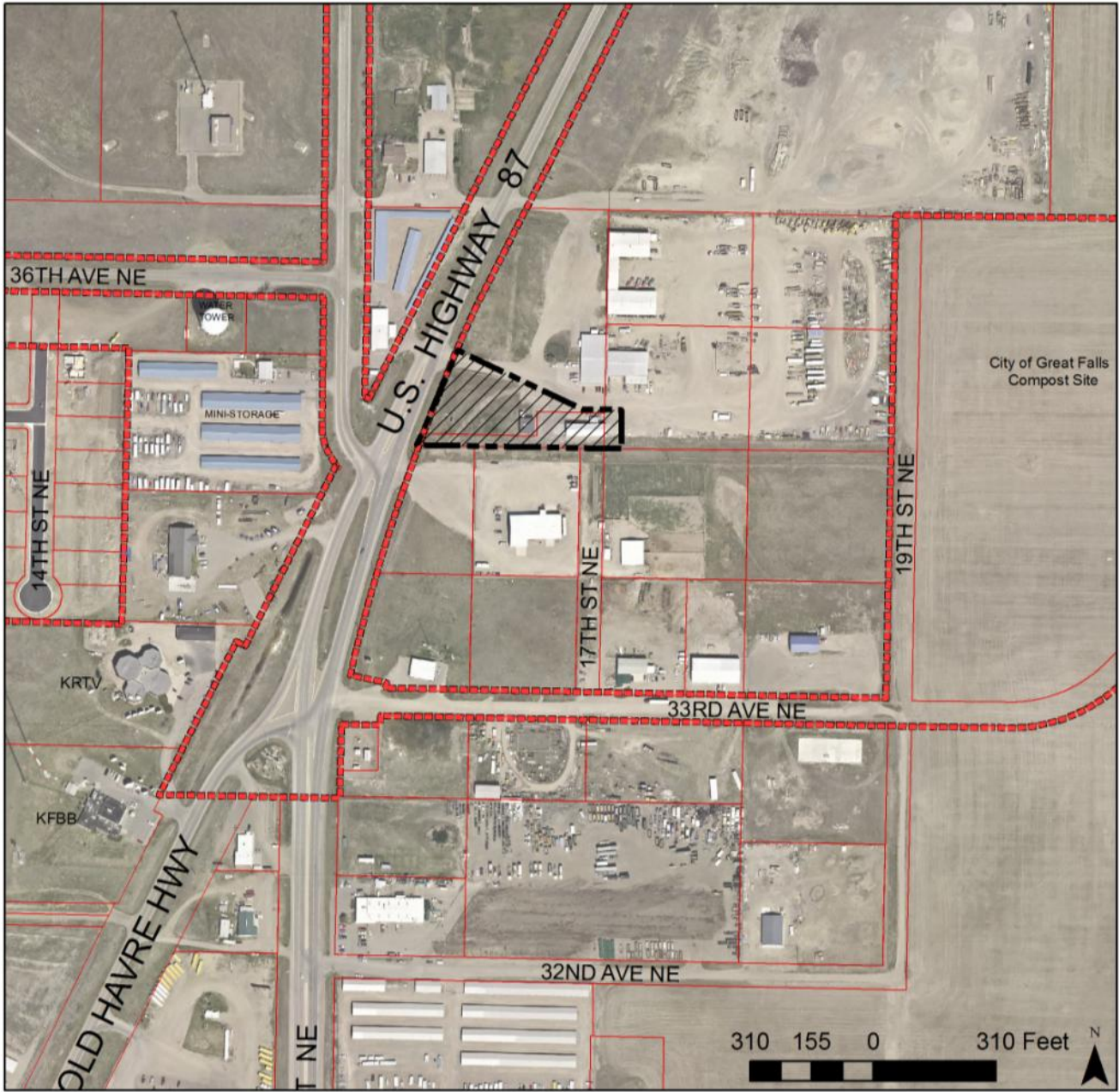
Shumaker Trucking and Excavating office buildings

EXHIBIT A - VICINITY / ZONING MAP






Shumaker Annexation

EXHIBIT B - AERIAL PHOTO



Aerial Photo: May, 2009

-  Subject Property
-  City Limits
-  Tracts of Land

Shumaker Annexation

History

The applicant applied for annexation in July, 2011. The annexation application was tabled by the Planning Advisory Board/Zoning Commission on August 9, 2011 due to issues regarding the amount of land proposed to be annexed. Staff's position was that the proposed annexation area created problems for emergency access and did not provide legal access to the property. The applicant's position was that the proposed annexation area was sufficient. Since that time staff has worked with the applicant to develop a plan that is acceptable. The proposed annexation area is the result of that discussion.

Annexation Request

The applicant is requesting the City of Great Falls annex Lot 1AA, Block 1 of the Great Falls Industrial Park Section 2. The subject property consists of ±1.79 acres and contains a washbay, which is connected to city water and sewer services and is used by Shumaker Trucking and Excavating to wash trucks and equipment used for their operations. According to the Official Code of the City of Great Falls (OCCGF), parcels located outside the city limits receiving city services are required to annex into the city per Title 13, Chapter 2 noted here:

Official Code of the City of Great Falls, Title 13, Chapter 2, Section 13.2.075 Annexation Requirements:

Property owners of parcels located outside the city limits receiving city water and/or sewer service must consent to annexation into the city of such parcels as a condition of continuation of city water and/or sewer service. Failure of the property owners to consent to such annexation into the city will result in termination of water and/or sewer services to such parcels located outside the city limits.

Section 13.2.080 Private water or sewer systems:

There shall be no physical connection between any private water supply systems and the Great Falls municipal water system on any premises served by the Great Falls municipal water system. Private sewage, disposal systems will not be installed within the municipality of Great Falls.

The subject property proposed to be annexed (Lot 1AA, Block 1) has city water and sewer services. Based on the preceding Code provisions, staff concludes this property must be annexed into the City to continue to

receive City services.

Craig Raymond, Building Official, inspected the property on June 30, 2011. A list of Code Violations within the existing washbay facility, which need to be addressed by the applicant if the property were annexed into the City, is attached (see attached Exhibit G - Inspection Report).

The applicant has been working with the building department to correct the violations. At this time, the only outstanding issue is related to providing a sand/oil separator, the applicant is working with the Engineering Department to develop a strategy for discharging water, and will be required to meet all applicable codes related to this issue.

Zoning Analysis

It is proposed that a City zoning classification of I-2 Heavy Industrial district be assigned to the subject property upon annexation. This district is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses. The existing uses on the subject property and the existing County I-2 Heavy Industrial zoning provide the basis for establishing this zoning district on the subject property.

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, including:

- designed in accordance with the growth policy (comprehensive plan);
- will secure safety from fire and other dangers;
- will promote public health, public safety and the general welfare;
- will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- will provide adequate light and air;
- will consider the effect on motorized and non-motorized transportation systems;
- will promote compatible urban growth;
- will give reasonable consideration to the character of the district;
- gives reasonable consideration to the peculiar suitability

for particular uses;

- will conserve the value of buildings; and
- will encourage the most appropriate use of land throughout the municipality.

The proposed zoning of the subject property recognizes and conforms to existing land uses on the subject property to be annexed and will not, without processing of separate applications, result in additional development. The proposed City zoning is consistent with County zoning designations. Therefore, staff concludes the above-cited criteria are substantially met.

Improvements

Street Improvements

Access to the subject property is from US Highway 87. No improvements to US Highway 87 will be required from the applicant. Internal roadways on the subject property are to be established and maintained by the owners of the property. The City is not obligated, as a part of this annexation, to improve streets in the subject area.

Traffic Analysis

The requested annexation and zoning does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by this request. However, while there is no increase in the amount of proposed traffic due to this application, there is an existing impact to the City street network due to the volume of truck traffic entering and leaving the site.

In addition, the Planning Department has received an email from Great Falls Fire Rescue stating they are opposed to any incremental annexations of the same parcel property (sharing one address) into the City of Great Falls due to the inherent difficulties associated with proper identification of location for City first responders. The Planning Department agrees that this is not the preferred way to annex property, but has worked with the applicant to come to an agreement that is acceptable to the city and the applicant and that provides legal access to the subject property.

Utilities

City water main exists from US Highway 87 along the southern boundary of Lot 1AA, Block 1 to provide water service to the on-site washbay. Upsizing a part of the existing water main will be required as a condition

of annexation.

City sewer main exists in the 19th Street Northeast alignment and there is a service line (force main) from 19th Street Northeast west to Lot 1AA, Block 1. Randy Rappe, the City's Environmental Compliance Technician, stated a concern regarding providing sewer to the project due to the EPA regulations of the sewer main in that location. As a condition of approval, the owner will be required to meet all required discharge standards per City Code and EPA regulations at owner's expense. The discharge will be monitored as needed by the City and EPA.

There are no existing storm drain facilities in the area. The applicant would not be required to extend storm drain facilities to the subject property (see attached Exhibit C - Utility Map).

2005 City of Great Falls Growth Policy:

The subject property is in an area experiencing industrial development both within and outside the City limits. Some of the more significant recent developments in the area include the Malt Plant, Montana Milling Company, and North Point Industrial Park, which are situated within relative proximity to the subject property.

Goals of the economic element of the Great Falls Growth Policy include:

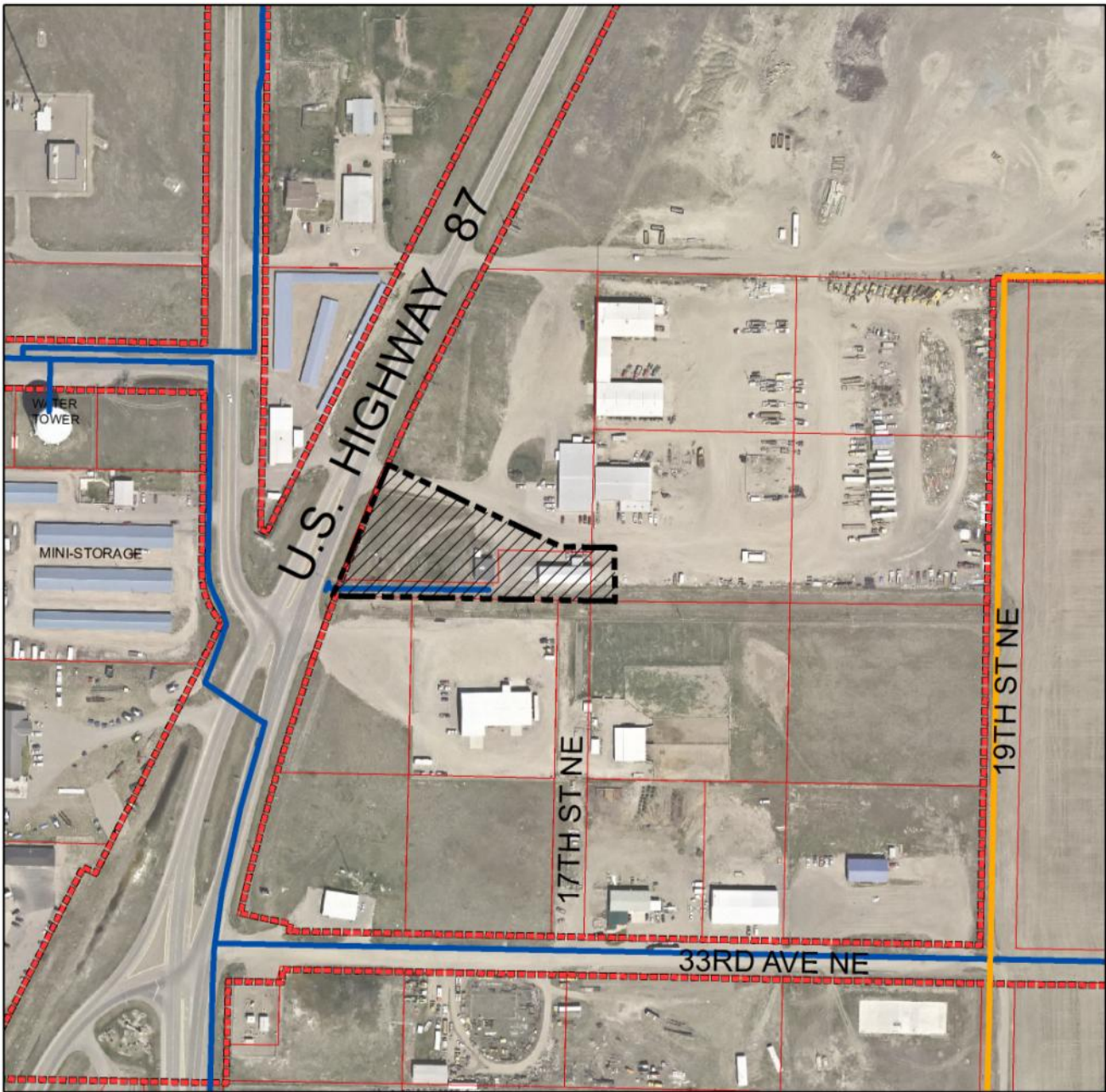
- Enhance, strengthen, and expand the existing economic base.
- Attract new business and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Annexation of the subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

EXHIBIT C - UTILITY MAP



-  Subject Property
-  City Limits
-  Tracts of Land
-  SewerMains
-  StormMains
-  WaterMains



Shumaker Annexation

Neighborhood Council Input

Patty Cadwell, Neighborhood and Youth Council Coordinator, originally provided application information to Council #3 on July 25, 2011. The following comments were received regarding the application.

- Concern for truck traffic entering and exiting on to US Highway 87 from the subject property; the Neighborhood Council suggested a traffic study be completed.
- Concern for the type of contaminants that might flow into the City sewer system from washing trucks, as well as the demand on sewer and water in that area where there are already sewer problems west and south of the subject property on 36th Street NE.
- Concern for only annexing Lot 1A, Block 1. The concern was regarding access issues and questioning the benefit to the City to annex such a small portion of the property owned by Shumaker Trucking and Excavating. Comment stating they were in support of the annexation because it will add to the tax base for the City.

Ms. Cadwell provided the new application information to Council #3 on May 17, 2012. At the time this staff report was written, there were no comments from the neighbors regarding the application.

Recommendation

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 two recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

Recommendation I:

It is recommended that the Planning Advisory Board recommend the City Commission approve the annexation of Lot 1AA, Block 1 of the Amended Plat of Lot 1AA and Lot 2AA, Block 1, and Lot 1AA, Block 4 of the Great Falls Industrial Park Section 2 in the NW 1/4, Section 31, Township 21 North, Range 4 East, P.M.M. Cascade County, Montana, subject to compliance to the Conditions listed in the Staff Report and subject to the Zoning Commission adopting Recommendation II (below).

Recommendation II:

It is recommended that the Zoning Commission recommend the City Commission approve establishing a City zoning classification of I-2 Heavy Industrial district to Lot 1AA, Block 1 of the Amended Plat of Lot 1AA and Lot 2AA, Block 1, and Lot 1AA, Block 4 of the Great Falls Industrial Park Section 2 in the NW 1/4, Section 31, Township 21 North, Range 4 East, P.M.M. Cascade County, Montana, based on current County zoning and current land-use upon said property, subject to the Planning Advisory Board adopting Recommendation I (above).

Conditions of Approval

1. All life-safety issues noted by the Building Official that have not been addressed shall come into compliance with City Code within 6 months of the date of annexation.
2. The final engineering drawings, specifications and as-builts for the existing water and sewer mains servicing the subject property shall be submitted to City Public Works Department for review and approval within 120 days of annexation and applicant agrees to correct any deficiencies and shall incorporate any corrections of errors and omissions noted by staff.
3. The owner shall install upsizing of the existing waterline per terms and conditions outlined in an annexation agreement.
4. The owner shall meet all City and EPA requirements for sewer discharge. If discharge levels are over the allowed amount, owner shall mediate the discharge at their own expense. The City reserves the right to discontinue sewer service as necessary.
5. An Annexation Agreement shall be prepared containing terms and conditions for additional development on the subject 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
Fire Chief Randall McCamley
Susan Conell, County Planning Director, sconell@casadecountymt.gov
Eugene Shumaker, Shumaker Trucking and Excavating, PO Box 1279, Great Falls, MT 59403
Joe Aline, joe@Shumakert-e.com
Spencer Woith, Woith Engineering , 1725 41st Street South, Great Falls, MT 59405

EXHIBIT D - APPLICATION



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: See Attached

Owner(s): Eugene Shumaker

Mailing Address: PO Box 1279, Great Falls MT 59403

Phone: (406) 727-3637 FAX: (406) 727-9995

E-mail: _____

Agent(s): Woith Engineering Inc.

Mailing Address: 1725 41st Street South, Great Falls MT 59405

Phone: (406) 761-1955 FAX: (406) 761-1546

E-mail: spencerwoith@woithengineering.com

Legal Description: See Attached

Section: 31 Township: 21N Range: 4E

Street Address: 3501 Havre Highway, Great Falls MT 59404

Zoning: Current: Heavy Industrial Proposed: I-2

Land Use: Current: Construction Yard Proposed: Construction Yard

Covenants or Deed Restriction on Property: Yes No
(If yes, please attach to application)

Application Type (please check all that apply):

- Subdivision Preliminary Plat-\$800
- Subdivision Minor Plat-\$600
- Conditional Use Permit-\$700
- Establishment of Zoning with Annexation-\$700
- Annexation-\$400
- Zoning Map Amendment-\$700
- Subdivision Final Plat-\$300

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

Property Owner's Signature: *Eugene Shumaker* Date: April 5, 2011
FOR: C. EUGENE SHUMAKER
Property Owner's Signature: _____ Date: _____

AMENDED PLAT OF LOT 1AA BLOCK 1 AND LOT 2AA BLOCK 1 AND LOT 1AA BLOCK 4 OF THE GREAT FALLS INDUSTRIAL PARK SECTION 2 A RELOCATION OF COMMON BOUNDARIES IN A SUBDIVISION LOCATED WITHIN NW1/4, SECTION 31, T.21N., R.4E., P.M.M.T., CASCADE COUNTY, MONTANA (INCLUDING VACATED PORTIONS OF 17TH ST. NE AND 34TH AVE. NE)

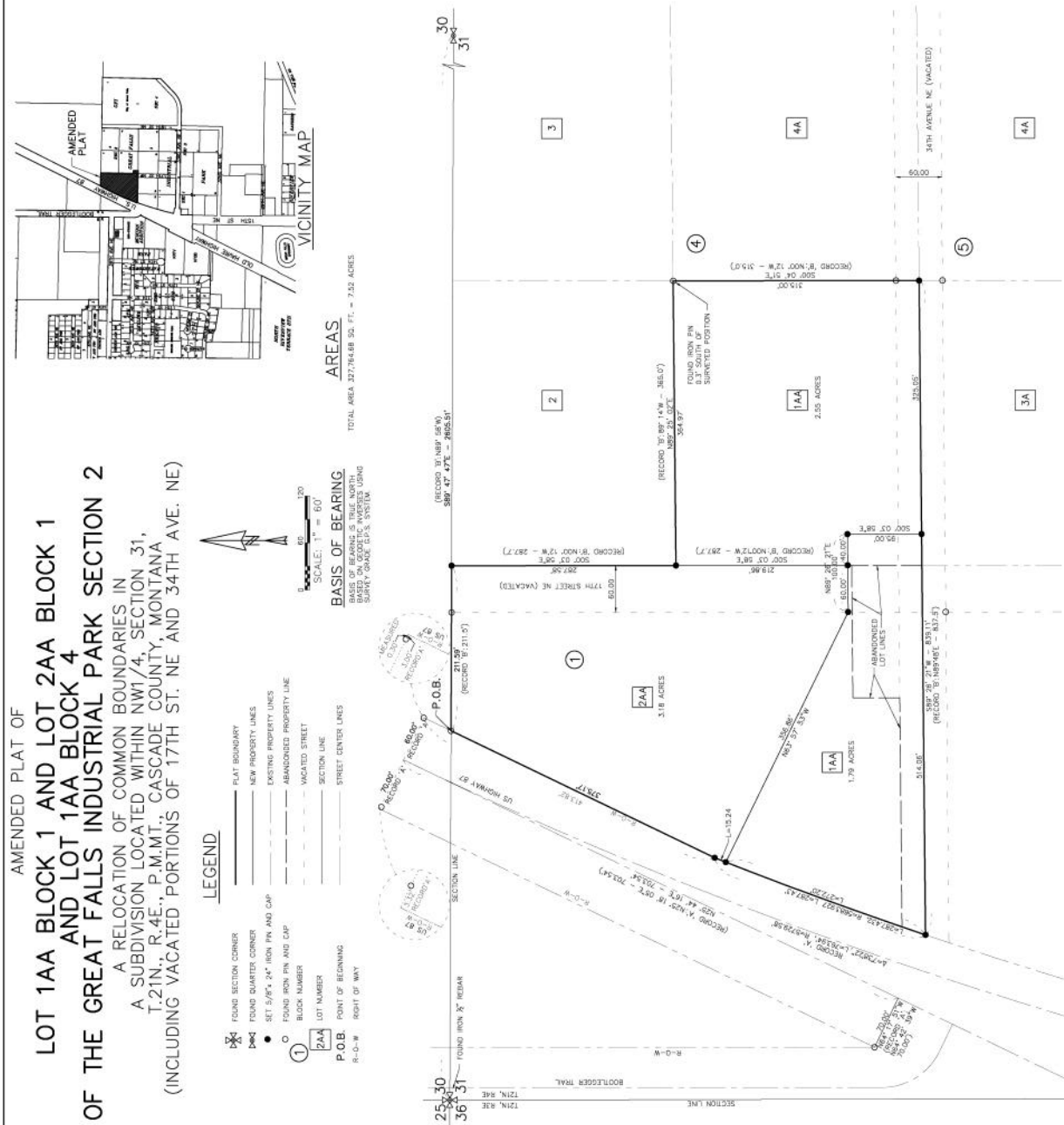


EXHIBIT F - FIRE CHIEF LETTER



GREAT FALLS FIRE RESCUE

105 9th Street South
Great Falls, MT 59401

Phone: 406-727-8070
Fax: 406-454-2454

July 8, 2011

To: Planning Director Mike Haynes

From: Fire Chief Randall McCamley

Re: Shumaker Wash bay Annexation

Thank you for the opportunity of reviewing the proposed annexation of the Shumaker property. While the Fire Department is generally in support of economic development projects, we feel it's important to go on the record with our concerns regarding public safety, access and jurisdictional boundaries. Based on the location of this project in relation to current fire station distribution, it is important the project developers and prospective occupants have a clear understanding of the fire department service delivery. Due to the distance of the proposed development to the closest city fire station, we have determined the travel time to be approximately 5 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."

Another concern of the property in question is the responding services jurisdictional responsibilities. Great Falls Fire Rescue does not have authority in the counties (i.e. volunteer fire departments) jurisdiction. There is a potential for error in dispatching and responding to properties "in and out" of City jurisdiction with the same address and could jeopardize public safety.

The last concern of Great Falls Fire Rescue is the fact that there is no direct access to the wash bay property without crossing adjoining property that may be owned by different owners other than those owning the Shumaker wash bay.

Based on the travel distances and the corresponding travel time, the possible access issues and the problem with jurisdictional boundaries the fire department is concerned with meeting the community's emergency performance outcomes.

Respectfully submitted,

R. McCamley
Fire Chief Randall McCamley

EXHIBIT G - INSPECTION REPORT



Pre-Annexation Inspection Results- Shumaker Trucking

Wash Bay Building

Significant Life Safety Issues:

- NEED COMB. AIR IN MECHANICAL ROOM FOR UNVENTED ROOM HEATER
- NEED LISTED BACKFLOW PROTECTION ON CHEMICAL DRUMS (This must be addressed immediately regardless of annexation disposition- significant risk to City water supply)
- NEED VENT DAMPER LINKED TO HOTSEY OPERATION
- NEED BACKFLOW ON HOSE BIBS IN TRUCK BAY
- NEED SLEEVE ON OIL LINE THUR STEEL WALL FINISH

Code Violations- Not necessarily Immediate Hazards

- NEED HOTSY CLEANER ANCHORED TO FLOOR
- NEED VENTILATION AND EXHAUST AND CO2 DETECTION IN TRUCK BAY (Assumed that bay doors tend to remain open during occupancy/operation)
- NEED SAND /OIL INTERSEPTOR
- NEED TO RAISE RETURN OPENING 18 INCHES OFF FLOOR IN TRUCK BAY
- NEED BATH ROOM EXHAUST