

# PLANNING ADVISORY BOARD ZONING COMMISSION

**AUGUST 28, 2012**

**Case Number**

SUB2012-1

**Applicant**

Great Falls Development Authority (GFDA)

**Property Location**

18th Avenue North and 67th Street North

**Requested Action**

**Major Subdivision**

Final plat subdividing ±196.549 acres into 10 lots

**Neighborhood Council**

Neighborhood Council #4

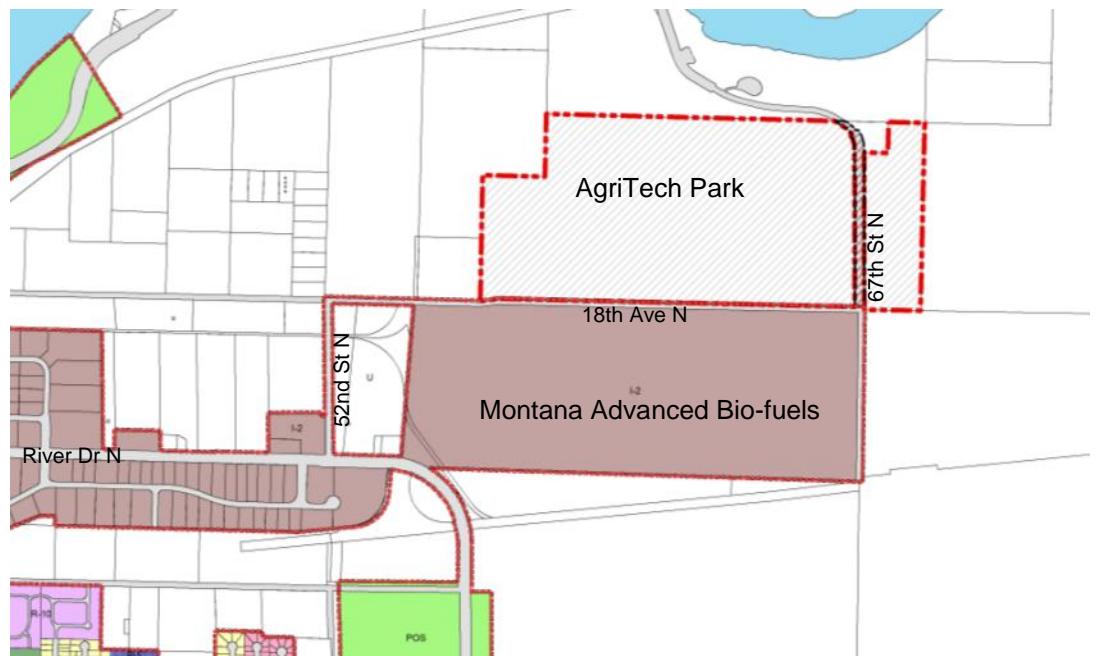
**Recommendation**

Approval with Conditions

**Project Planner**

Mike Haynes, AICP

## AGRI TECH RAIL-SERVED INDUSTRIAL PARK: FINAL PLAT



### Location Map

 Subject Site



### Summary

#### Project Description

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

The AgriTech Industrial Park is a proposed 196.549-acre 10-lot subdivision on property located north of 18<sup>th</sup> Avenue North, south of Giant Springs Road, and east and west of 67<sup>th</sup> Street North in unincorporated Cascade County.

#### 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 AgriTech Park project since January 2010. In addition, Cascade County has been informed of the proposed application and provided comment.

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## History

The Planning Advisory Board/Zoning Commission conducted a public hearing to consider annexation, initial zoning and the preliminary plat of the AgriTech Industrial Park on July 10, 2012. At the Planning Advisory Board/Zoning Commission public hearing, Mike Haynes, Planning and Community Development Director, entered the staff report into the record and presented an overview of the project to the board. He outlined the process that led up to the Planning Board public hearing, described the general area and zoning districts, the proposed project and the specific requests for annexation, initial zoning and the preliminary plat. He used an aerial map of the area to illustrate the prominent location of the subject property and its proximity to the Missouri River, scenic overlooks, the River's Edge Trail and Giant Springs State Park. He also described the topography of the area and the natural drainage from the subject property, primarily north onto FWP property and east towards Whitmore Ravine. Key planning staff recommendations were to assign an initial zoning of POS (Parks and Open Space) to the property east of 67th Street North with the understanding that a request could be made to rezone that property to industrial in the future, and to employ a Specific Parcel Master Plan process where development plans would be reviewed by the Planning Board and City Commission as parcel specific development proposals were submitted.

At the public hearing, Brett Doney, GFDA, spoke about the importance of economic development and jobs, and the need for "shovel-ready" heavy industrial rail-served lots. He stated that the project was not feasible unless the entire property was zoned and developed with I-2 Heavy Industrial uses. He offered an alternate Recommendation II that would zone all of the subject property to I-2 and proposed revisions to the conditions of approval recommended by staff.

The Planning Advisory Board voted 8-0 to recommend the City Commission approve annexation and the preliminary plat of the property.

The Zoning Commission voted 6-2 to recommend City Commission approve an initial zoning of I-2 Heavy Industrial on the entire property. Board Chairman, Bill Roberts, directed Planning and Public Works staff to meet with the applicant team to try to resolve differences over the conditions of approval drafted by staff. Following the Board's directive, City staff members met with the applicant team the next day (July 11, 2012) and were able to reach general agreement on the conditions of approval, based on the recommendation of the Planning Board, which are reflected in the draft Annexation Agreement (Exhibit F).

For complete information on the presentations and public comment, see the staff report and/or the video of the July 10, 2012, Planning Board public hearing at [www.greatfallsmt.net](http://www.greatfallsmt.net)

The City Commission approved the Preliminary Plat of AgriTech Park, at a non-public hearing, on August 7, 2012. Again, Director Haynes presented an overview of the project and outlined the process for the project. He explained that City Commission should approve the Preliminary Plat if found to be in conformance with local subdivision regulations and the review criteria in State statute (76-3-608(3), (MCA).

For complete information on the presentations and public comment, see the staff report and/or the video of the August 7, 2012, City Commission meeting at [www.greatfallsmt.net](http://www.greatfallsmt.net)

The next step in the process is for the Planning Advisory Board to make a recommendation on the Final Plat of the subdivision. This recommendation will then be forwarded on to the City Commission to take final action on the Annexation, Zoning and Final Plat of the project at a public hearing. Again, Planning Advisory Board should recommend approval of the Final Plat if statutory requirements are met.

It should be noted the provisions and terms of the Annexation Agreement runs with the land and binds the present owners, their devisees, heirs, successors and assigns. It should also be noted that the City could create an Overlay District for the subject property that would establish additional development and performance standards if the provisions of proposed covenants are deemed insufficient to ensure a desirable built-form.

Existing Conditions

The existing site information for the said property includes:

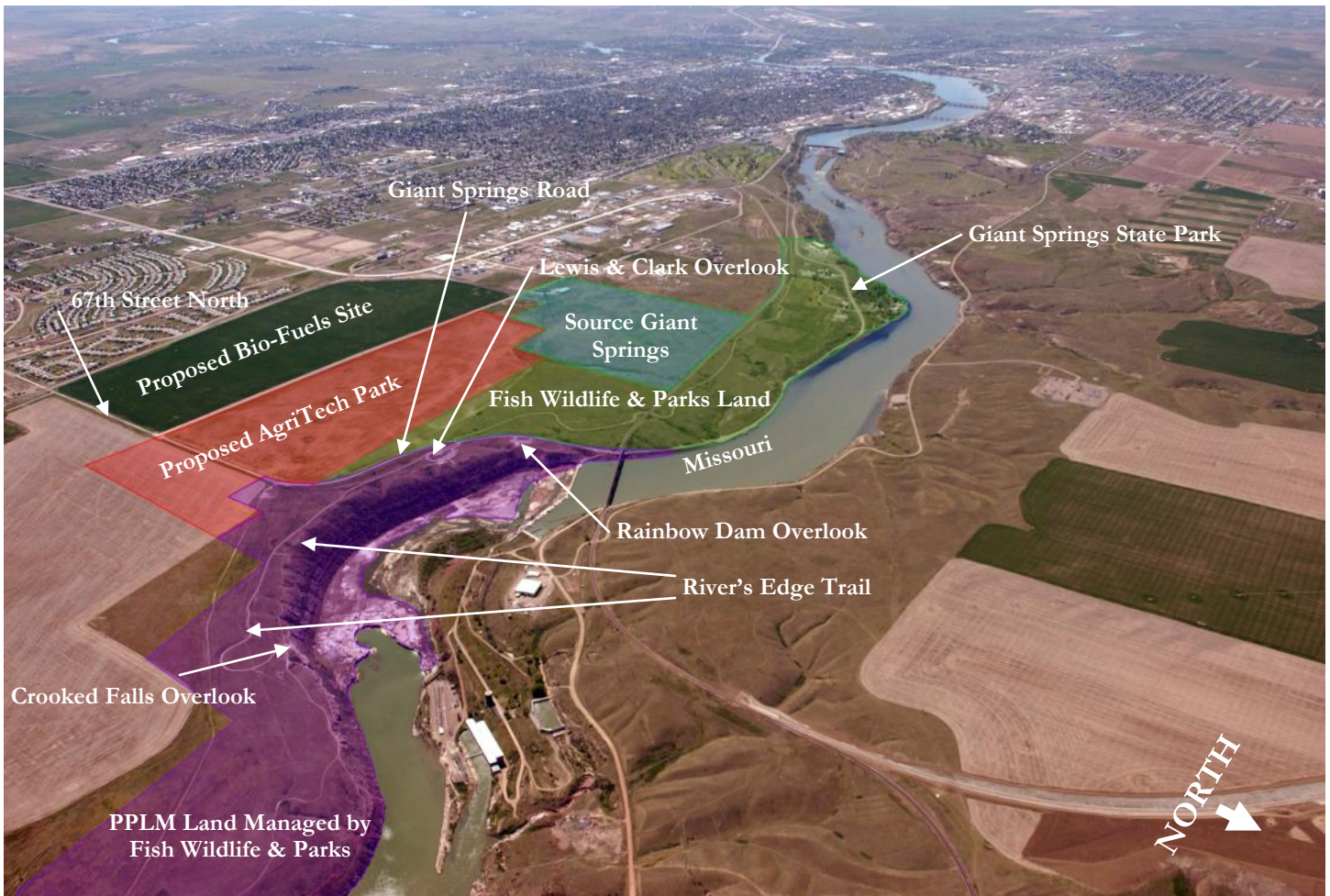
**Existing Use:** The ±196.549 subject property is in unincorporated Cascade County, but is contiguous with City of Great Falls jurisdictional boundary. That portion of the subject property lying west of 67th Street North is undeveloped and used for dry-land farming, and has County I-2 (Heavy Industrial)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

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 (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.



## Application

The Applicant is requesting the Final Plat of the ±196.549-acre subject property into 10 lots. The proposed AgriTech Park project is to accommodate heavy industrial rail-served businesses with an emphasis on agricultural processing (see Exhibit C-Application).

The project is speculative; the types of industrial uses and specific businesses that may opt to locate in the AgriTech 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. The Applicant has proposed instead to develop voluntary covenants in an effort to mitigate the impacts of development (see Exhibit F-Draft Annexation Agreement).

## Project Description

The proposed 10-lot AgriTech Park project includes Lots 1-8 that are located on the west side of 67th Street North, and Lots 9-10, which are located east of 67th Street North (see Exhibit D-Final Plat & Exhibit E-Site Plan).

The Applicant proposes to bring water and sewer to serve the project from the west and to extend the existing rail spur, that now runs south of and parallel to 18th Avenue North to just east of 52nd Street North, east to serve the project. The rail extension would cross 18th Avenue North northeast through the subject property, crossing 67th Street and then running south between proposed Lots 9 and 10.

## **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 (see Exhibit B - Site Plan).

Proposed development on Lots 1 and 8 are of particular concern due to their location closest to, and overlooking, the Missouri River, the River's Edge Trail, the Rainbow Dam and Lewis and Clark Overlooks, and Giant Springs State Park. In addition these lots present the greatest challenges for development because both lots have at least a 40-foot change as the land slopes off to Giant Springs State Park and the Missouri River.



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 trellis bridge and the river



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

FWP supports development of the AgriTech Park project, but only with “adequate and effective protections for Giant Springs State Park”.

A cost-effective solution to protect the viewshed from the river corridor and to ease concerns regarding stormwater runoff is to provide a provision for open space buffers along the northern boundary of Lots 1 and 8. The Applicant is proposing a 150-foot no-build zone from the northern property line, adjacent to State of Montana property. In addition, the developer has agreed to limit building heights for an additional 450 feet beyond the no-build zone in order to help mitigate the effects of development on the adjacent properties (see Exhibit F-Draft Annexation Agreement).

Development on Lots 2-7 is less of a concern in terms of the viewshed, but concerns remain with regard to the potential impacts of industrial development on adjacent and nearby properties including noise, light pollution, dust, litter, drainage, etc. The developer has committed to mitigating some of these impacts through a covenant being placed on the property (see Exhibit F-Draft Annexation Agreement).

### **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 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 will cost an estimated \$10 million to resolve. The Cascade County Commissioners letter is attached as Exhibit G.

### **Improvements**

The Applicant has been working with the Public Works Department to come to an agreement related to requirements for improvements to the water, sewer, street and stormwater systems. These agreements are part of the Draft Annexation Agreement which is attached as Exhibit F and will require final approval by City Commission.

## 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  $\pm 196.549$  acres 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 before development 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 a standard similar to 18th Avenue North at such time as development is proposed on Lots 7-10. 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  $\pm 3.2$  miles from the subdivision site. The Fire Department has issued a memo expressing concerns that emergency response times may not meet the Applicant's expectations given the location of the proposed project. The Applicant is working with the Fire Department to update a Memorandum of Understanding related to fire protection services related to the subdivision. Providing these services to the proposed development will be an increased cost to the City.

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 should mitigate 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 developer will also prepare and adhere to a professional study to determine if the proposed stormwater detention and/or 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 shall 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 as overflow stormwater drainage. Further, the owner shall remedy damage to downstream property caused by stormwater run-off from the subdivision at no cost to the City.

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 150-foot buffer along the northern boundary of the subdivision where it abuts PPL

Montana or Montana Fish & Wildlife property that precludes the construction of any buildings. In addition the City is requiring building height restrictions as follows:

Distance from North Property Line (where subdivision abuts PPL Montana or State of Montana Property)	Maximum Building Height
0 ft – 150 ft	No building zone
150 ft – 300 ft	50 feet
300 ft – 450 ft	100 feet
450 ft – 600 ft	150 feet
600 ft +	Limited by federal/local regulations only

**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 provide covenants for the developer/owners of AgriTech Park that address issues related to litter, no-building zones, down lighting, color scheme and signage. A professional study shall be completed to determine impacts of stormwater run-off and mitigation techniques to manage said impacts of the proposed development on 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 they have provided 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. The City of Great Falls maintains 18th Avenue North as a public right-of-way. As a part of this application, 67th Street North is being annexed and will be dedicated and improved to provide access to each lot adjacent to 67th Street North.

## Neighborhood Council Input

The Great Falls Development Authority gave a presentation to Neighborhood Council #4 on August 25, 2011. There were no comments from Council 4 at that time. Patty Cadwell, Neighborhood and Youth Council Coordinator, provided updated application information to Council #4 on June 27, 2012. At the time the staff report was written, there were no comments from Neighborhood Council #4 related to the application.

## Public Input

Cascade County Commissioners and Montana State Parks have provided letters of concern regarding this project. Over time, the Planning and Community Department has received letters and emails, and fielded questions about this proposed project from various environmental, recreational and preservation groups, as well as concerned individual citizens. (See Exhibit G - Written Public Comment)

## Recommendations

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. As such, the recommendation presented below is to be considered and acted upon by the Planning Advisory Board.

### **Recommendation I:**

It is recommended that the Planning Advisory Board recommend the City Commission approve the Final Plat of AgriTech Park Addition based on the Findings of Fact, the following conditions of approval being fulfilled by the Applicant.

## Conditions of Approval

1. The final plat of AgriTech 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 AgriTech 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. See Exhibit F.

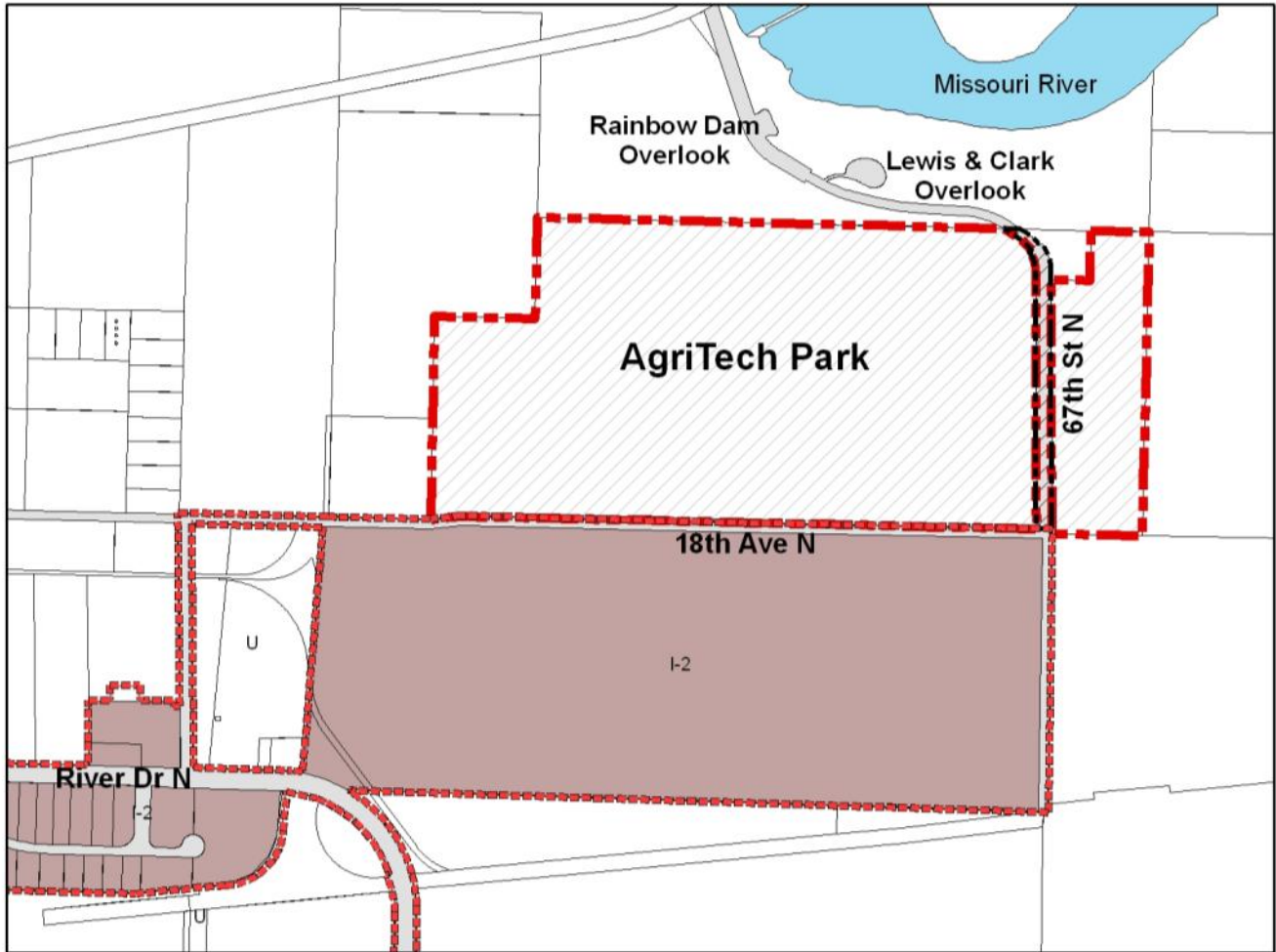
## Next Steps

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, Zoning and Final Plat.
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@casadecountymt.gov  
Brett Doney, Great Falls Development Authority, bdoney@gfdevelopment.org  
John Juras, TD&H Engineering, john.juras@tdhengineering.com



# EXHIBIT A - ZONING MAP



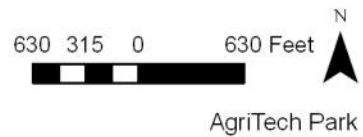
- |                             |                                |                                  |
|-----------------------------|--------------------------------|----------------------------------|
| City Limits                 | C-4 Central business core      | R-1 Single-family suburban       |
| AgriTech 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  |
| <b>ZONING</b>               | 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                     |



# EXHIBIT B - AERIAL PHOTO



-  City Limits
-  AgriTech Park
-  Right of Way Being Annexed
-  Tracts of Land



# EXHIBIT C - 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**

Submittal Date: 8.13.12  
 Application Number: 5282012-1  
 Paid (Official Use ONLY):

- Annexation: \$400
- Establish City Zoning: \$700
- Zoning Map Amendment: \$700
- Conditional Use Permit: \$700
- Planned Unit Development: \$700
- Subdivision Preliminary Plat: \$800
- Subdivision Minor Plat: \$600
- Subdivision Final Plat: \$300
- Amended Plat (6 or more lots): \$600
- Vacate Public Right of Way: \$200

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 Phone: bdoney@gfdevelopment.org Email:

TD&H Engineering, John Juras, Project Engineer  
 Representative Name:

1200 25th St S, Great Falls, MT 59405  
 Mailing Address:

406-761-7021 Phone: john.juras@tdhengineering.com Email:

### PROPERTY DESCRIPTION / LOCATION:

Sections 35 and 35 Section: T 21 N Township/Block: R 4 E Range/Addition:

Street Address:

### ZONING:

I-2 Heavy Industrial Current: I-2 Proposed: Agricultural Current: Industrial Proposed:

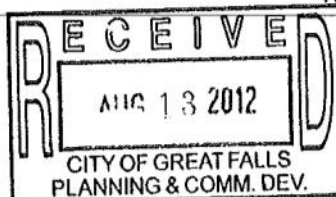
### LAND USE:

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.

[Signature] Property Owner's Signature: 5/10/12 Date:

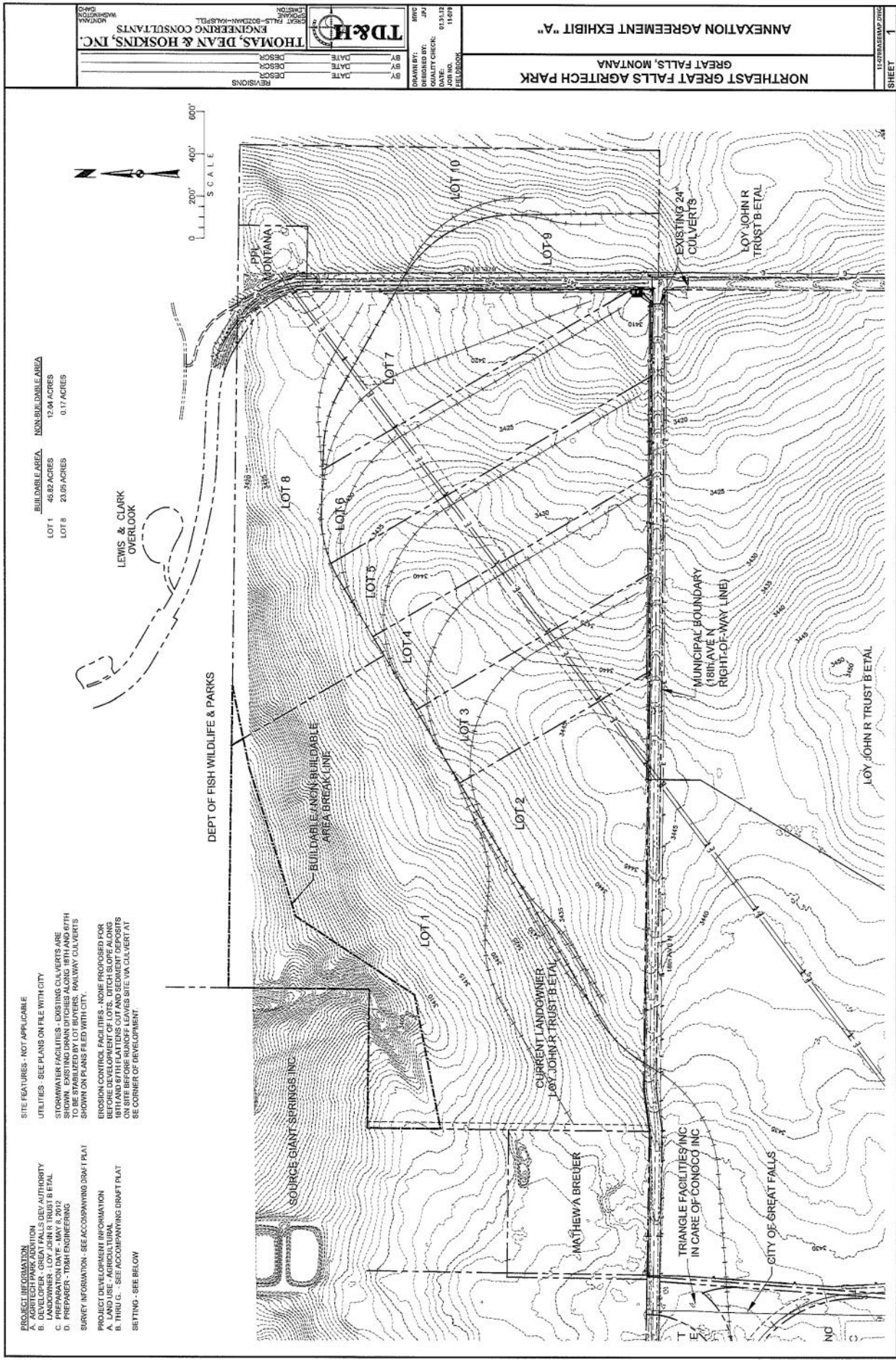
[Signature] Representative's Signature: 17 February, 2012 Date:

Form Creation Date: 08.25.2011





# EXHIBIT E - SITE PLAN



**PROJECT INFORMATION:**  
 A. AGRITECH PARK ADDITION  
 B. DEVELOPER - GREAT FALLS DEV AUTHORITY  
 C. LANDOWNER - LOY JOHN R TRUST B ETAL  
 D. PREPARER - TD&H ENGINEERING

**SURVEY INFORMATION:** SEE ACCOMPANYING DRAFT PLAT

**PROJECT DEVELOPMENT INFORMATION:**  
 A. LAND USE - AGRICULTURAL  
 B. THROUGH - SEE ACCOMPANYING DRAFT PLAT  
 C. SETTING - SEE BELOW

**SITE FEATURES - NOT APPLICABLE**

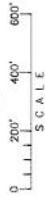
**UTILITIES - SEE PLANS ON FILE WITH CITY**

**STORMWATER FACILITIES - EXISTING CULVERTS ARE SHOWN. EXISTING DRAIN DITCHES ALONG 18TH AND 67TH TO BE STABILIZED BY LOT BUYERS. RAILWAY CULVERTS SHOWN ON PLANS FILED WITH CITY.**

**EROSION CONTROL FACILITIES - NONE PROPOSED FOR BEFORE DEVELOPMENT OF LOTS. DITCH SLOPE ALONGS 18TH AND 67TH TO BE STABILIZED BY LOT BUYERS. SEE ACCOMPANYING DRAFT PLAT ON SITE BEFORE LANDOWNER SITES 24" CULVERT AT SE CORNER OF DEVELOPMENT.**

**BUILDABLE AREA:**  
 LOT 1 45.82 ACRES  
 LOT 8 23.05 ACRES  
 TOTAL BUILDABLE AREA 12.04 ACRES  
 0.17 ACRES

LEWIS & CLARK OVERLOOK



<b>THOMAS, DEAN &amp; HOSKINS, INC.</b> GREAT FALLS, MONTANA ENGINEERING CONSULTANTS		<b>TD&amp;H</b> GREAT FALLS, MONTANA ENGINEERING CONSULTANTS	DRAWN BY: JWC DESIGNED BY: JPA QUALITY CHECK: ASL DATE: 08/13/18 JOB NO. 1807
REVISIONS BY: _____ DATE: _____ DESIGNED BY: _____ DATE: _____	DATE: _____ DESIGNED BY: _____ DATE: _____	DATE: _____ DESIGNED BY: _____ DATE: _____	DATE: _____ DESIGNED BY: _____ DATE: _____

NORTHEAST GREAT FALLS AGRITECH PARK  
 GREAT FALLS, MONTANA  
 ANNEXATION AGREEMENT EXHIBIT "A"

10/20/2018 MAP DATE  
 SHEET 1

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EXHIBIT F – DRAFT ANNEXATION AGREEMENT

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**ANNEXATION AND DEVELOPMENT  
AGREEMENT  
FOR  
AGRITECH PARK ADDITION,  
IN THE S½ OF SECTION 34,  
TOWNSHIP 21 NORTH, RANGE 4 EAST,  
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is an Annexation Agreement dated and effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between Great Falls AgriTech Park, LLC, a wholly owned subsidiary of GREAT FALLS DEVELOPMENT AUTHORITY, hereinafter referred to as “Great Falls AgriTech Park, LLC” and ROGER DONEY A/K/A ROGER L. DONEY, AS TRUSTEE OF TRUST B UNDER THE LAST WILL AND TESTAMENT OF JOHN R. LOY AND AS CO-TRUSTEE OF THE CAROLYN B. LOY TRUST UNDER WILL AND HELENE L. DONEY A/K/A HELENE DONEY AS CO-TRUSTEE OF THE CAROLYN B. LOY TRUST UNDER WILL, hereinafter referred to as “Trustees”, (Great Falls AgriTech Park, LLC and Trustees are hereinafter cumulatively referred to as “Owner”), and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for annexation to the corporate limits of the City and development of AgriTech Park Addition, located in S½ of Section 34, Township 21 North, Range 4 East, Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. SUPPORTING DOCUMENTS

- A. The Subdivision Plat of AgriTech Park Addition, prepared for the Owner, and filed in the office of the Clerk and Recorder of Cascade County, Montana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
- B. Engineering drawings, specifications, reports and cost estimates prepared for the Subdivision, consisting of documents for, but not limited to, rail service, sanitary sewer mains, lift station, water mains, storm drainage improvements, and paving, and conduit for street crossings for wiring for potential future public roadway lighting facilities. Said drawings and specifications are on file in the City Engineer’s office.

- C. In compliance with Mont. Code Ann. 76-3-507(2)(b), the Owners shall provide financial surety on an incremental plan wherein the costs of installation of public improvements necessary to serve each lot within the Subdivision are provided for prior to the development thereof.
- D. Legal documents, including any articles of incorporation, bylaws, covenants, and declarations of ownership, property maintenance association, establishing and outlining responsibilities of the Owners within Subdivision, shall be filed in the Clerk and Recorder’s Office of Cascade County, Montana.

3. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City’s Engineer and City’s Public Works Department and which do not materially affect the hereinabove mentioned Subdivision, can be made as follows:

- A. The proposed revision will be submitted to City’s Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City’s Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City’s Public Works Department.
- D. “As Built” reproducible drawings shall be supplied to City’s Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

4. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owner that subsequent to the date of this Agreement, events may occur and actions may be taken which are unforeseen by either or both parties hereto. Therefore, the parties may, by mutual subsequent agreement, modify the terms, conditions and covenants of this Agreement.

5. FEES AND CHARGES

A. Except as otherwise set forth below, prior to annexation of Subdivision, Owner shall, pay the following fees:

a.	Major Plat Fee	\$ 800.00
b.	Final Plat Fee	\$ 300.00
c.	Zoning Application Fee	\$ 700.00
d.	Annexation Application Fee	\$ 100.00
e.	Annexation Agreement Fee	\$ 200.00
f.	Resolution of Annexation Fee	\$ 100.00
g.	Storm Sewer Fee (\$250/acre 196.549 acres per plat)	\$ 49,137.25
h.	Recording fees for Agreement and Resolution (\$11 per page x 11 Pages)	\$ 121.00
<hr/>		
	Total fees made payable to City of Great Falls	\$ 51,458.25



- B. The Storm Sewer Fee of \$250 per acre (196.549 acres x \$250 = \$49,137.25) shall be assessed as lots are sold based on the area of each lot and shall be payable by the Owner at closing on the sale of each individual lot.
- C. Owner shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- D. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- E. The absence of any fee from this Agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

6. CITY ACCEPTANCE AND ZONING

City hereby accepts and approves the Subdivision, and will approve Lots contained therein for incorporation by annexation into the corporate limits of the City of Great Falls, Montana as I-2 Heavy Industrial zoning classification, consistent with the I-2 zoning classification in the City of Great Falls. Permitted uses are those industrial uses permitted in the City's I-2 Heavy Industrial zoning district except that Helipads and Motor Vehicle Graveyards are prohibited. Lot coverage shall be limited to a maximum of 70%. Development is otherwise subject to conditions referenced in Paragraph 7 of this agreement.

It is hereby understood that the preceding language regarding zoning of said Subdivision does not preclude City from reclassifying said lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

7. RESTRICTIONS ON DEVELOPMENT OF LOTS IN SUBDIVISION

- A. Owner hereby agrees to develop a rail-served heavy industrial Subdivision. There is no Phasing Plan for the Subdivision. In the event that lots are not developed in sequential order, as would be expected in a typical Subdivision, then infrastructure improvements to serve the intermediate lots shall be completed in conjunction with the lot being developed.
- B. Owner shall file a restrictive covenant that runs with the land at the Clerk and Recorder's Office of Cascade County, Montana. The restrictive covenant provides that:
  - i. All litter must be confined to and retained on the lot producing such litter;
  - ii. A restricted zone shall be shown on the plat which precludes the construction of any buildings within 150 feet of the northern boundary of the subdivision where it abuts PPL Montana or State of Montana property;

iii. Building heights are limited to the following:

Distance from North Property Line (Where subdivision abuts PPL Montana or State of Montana Property)	Maximum Building Height
0 ft – 150 ft	No building zone
150 ft – 300 ft	50 feet
300 ft – 450 ft	100 feet
450 ft – 600 ft	150 feet
600 ft +	Limited by federal/local regulations only

- iv. A 50 foot setback shall be recorded on the plat on the exterior boundaries of each lot that adjoins 18<sup>th</sup> Avenue North or 67<sup>th</sup> Street South where building will not be permitted; however, setbacks from interior lot lines shall follow the I-2 Heavy industrial zoning standards per City Code;
  - v. Whenever it is commercially reasonable to do so, if structures on each lot require exterior lighting, it shall be down lit. As well, whenever commercially reasonable to do so, paint colors will match or be consistent with the natural surroundings of the subdivision; and,
  - vi. Freestanding signage shall not be higher than 12 feet and shall have a consistent design theme throughout the subdivision.
- C. Owner hereby agrees not to place or erect any structure requiring water and/or sanitary sewer service upon Lots 7 through 10 or attempt to further subdivide the area defined by Lots 7 through 10 until contracts are executed for improving 67<sup>th</sup> Street North as described in Paragraph 2B above or as deemed necessary by the Public Works Department.
- D. As plans for infrastructure associated with all the undeveloped Lots in the Subdivision have presently not been formalized, Owner hereby agrees not to 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.
- E. Building permits for structures on each Lot shall not be issued until the contracts for installation of the infrastructure improvements have been executed. Owner acknowledges that City will not permit the occupancy of any structure in Subdivision until all infrastructure serving said Lot of Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

8. IMPROVEMENT SCHEDULE

A. WATER

Owner agrees to execute contracts within two (2) years of the date of this Agreement, to complete the installation of the water main improvements to serve Lots 1 through 4 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to water main extension from its existing location in River Drive North, north to 18<sup>th</sup> Avenue North then east to the easternmost property line of proposed Lot 4. Water infrastructure shall consist of a 16" transmission main. Additional distribution mains may be required to serve the domestic and fire flow demands of each individual lot prior to development. Additionally, upon written approval from the City Public Works Director, City may grant extensions of the two-year completion date as deemed appropriate.

Owner further agrees to execute contracts for the installation of all water main improvements to serve each individual Lot before any building permits will be issued for any Lot or as deemed necessary by the Public Works Department.

Owner further agrees to complete water distribution improvements in accordance with City and State of Montana DEQ Circular 1 standards, specifications, and other requirements.

Owner has submitted water main extension plans to the Public Works Department for Subdivision. Approval of these plans by the Public Works Department in no way obligates the City to annex Subdivision. If design and construction of said water main is completed before final approval of annexation for Subdivision it is at the Owners risk.

B. SEWER

Owner agrees to execute contracts within two (2) years of the date of this Agreement, to complete the installation of the sanitary sewer main improvements to serve Lots 1 through 4 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to construction of a sewer system that is adequately designed to serve Lots 1-10 and approved by the Public Works Department and sanitary sewer main extension from its existing location in east of River Drive North north to 18<sup>th</sup> Avenue North then east to the easternmost property line of proposed Lot 4.

City agrees to allow Owner to provide temporary wastewater connections to Lots 2 through 4 according to plans referenced in Paragraph 2B above and filed in the City Engineer's office so that development of those lots can proceed prior to installation of the permanent wastewater lift station. Lot 1 shall permanently be on a private individual lift station. Owner agrees to include terms in the Lot 2 through 4 purchase

agreements requiring Lot purchasers to remove the temporary sewer connections and to permanently connect to the gravity sewer located north of 18<sup>th</sup> Avenue North within 6 months of permanent wastewater lift station becoming operational. Said temporary connections may be abandoned in place once permanent connection is completed.

Contracting for completion of the wastewater lift station and other wastewater gravity and force mains must be completed before any development occurs on Lots 5, 6, 7, 8, 9 or 10 in accordance with standards of City and State of Montana Circular DEQ 2 standards, specifications and other requirements.

Owner has submitted sewer main extension and lift station plans to the Public Works Department for Subdivision. Approval of these plans by the Public Works Department in no way obligates the City to annex Subdivision. If design and construction of said sewer main is completed before final approval of annexation for Subdivision, it is at the Owners risk.

#### C. ROADWAYS

##### 18<sup>TH</sup> AVENUE NORTH

Owner agrees to execute contracts within two (2) years of the date of this Agreement, for the required improvements to 18<sup>th</sup> Avenue North adjacent to the Subdivision including a 2-inch overlay from the existing location of the 5-inch asphalt thickness as determined by the Public Works Department to the eastern edge of Lot 4. Improvements shall be in accordance with plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. Additionally, upon written approval from the City Public Works Director, City may grant extensions of the two-year completion date as deemed appropriate.

Owner further agrees to execute contracts for the improvements to 18<sup>th</sup> Avenue North to serve Lots 5 and 6 before issuance of building permits for those Lots or as mutually agreed between the Owner and the Public Works Department. In addition the Owner agrees to the following:

##### i. BICYCLE LANE

Owner agrees to stripe and sign a bicycle lane onto the existing 6 foot wide paved shoulder of 18<sup>th</sup> Avenue North as determined by the Public Works Department to accommodate bicycle traffic in the area. Installation of this improvement shall occur at the same time as the above described improvements to 18<sup>th</sup> Avenue North.

##### 67<sup>TH</sup> STREET NORTH

Before issuance of building permits for Lots 7 through 10 Owner agrees to execute contracts for the required improvements to 67<sup>th</sup> Street North adjacent to the corresponding Lots of the Subdivision. 67<sup>th</sup> Street North shall include a geotextile, 12-inch thickness gravel subbase, 3-inch thickness crushed gravel and

5-inch thickness asphalt cement concrete. The width of the pavement shall be 36 feet. 67<sup>th</sup> Street North shall be built according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. In addition the Owner agrees to the following:

i. BICYCLE LANE

Owner agrees to install a 6 foot wide paved bicycle lane on the east and west sides of 67<sup>th</sup> Street North to accommodate bicycle traffic in the area. Installation of this improvement shall occur at the same time as the above described improvements to 67<sup>th</sup> Street North.

D. RAIL LINE IMPROVEMENTS

Owner agrees to, prior to receiving a certificate of occupancy for any lot in the subdivision, complete the installation of the rail line improvements to serve Lot 1 of the Subdivision, according to plans referenced in Paragraph 2B above and filed in the City Engineer's office and in accordance with standards of City. This includes but is not limited to rail line extension from its existing location west of 52<sup>nd</sup> Street North east through the proposed American AgriTech Addition then northeast across 18<sup>th</sup> Avenue North into project and extend to the most eastern edge of proposed Lot 1. Modifications to the approved rail line layout shall be made in writing per Paragraph 3 above.

Owner agrees all rail crossings of public rights-of-way should include signalization, including safe and controlled crossings for bicyclists and pedestrians. 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. Owner agrees that it is the Owner's or successors responsibility to maintain rail, railroad crossings and easements which cross 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North and further agrees that the City will have no maintenance or operation responsibility related to any railroad crossings necessary for rail to serve Subdivision.

The City's Public Works Department shall grant, subject to review, proposed easements across 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North as may be necessary or convenient for rail and other private utilities and the City shall be provided with copies of all plans for installed rail and utilities.

Owner further agrees to execute contracts for the installation of all rail line improvements to serve Lots 5, 6, 7, 8, 9 or 10 before building permits will be issued for Lots 5, 6, 7, 8, 9 or 10 or as deemed necessary by the Public Works Department.

E. MASTER DRAINAGE PLAN

Owner agrees to prepare and adhere to a professional study to determine if the proposed storm water retention pond(s) and other proposed measures at Subdivision will have any impacts on the subsurface water table, and potentially the existing

improvements and drainages on surrounding properties. In addition, the study should include the impact of the water from the proposed storm water systems flowing through the adjacent State of Montana property and Whitmore Ravine and how it will impact erodible soils in the existing coulees that are proposed for use of overflow storm water drainage. Said study shall be submitted, reviewed and approved by the City Public Works Department prior to final approval of Subdivision by City Commission. Owner further agrees to be responsible for and to mitigate any negative impacts including negative impacts on any natural drainages that may arise as a part of said study.

Owner further agrees to reserve adequate land as required by a professionally prepared stormwater/drainage study and/or determined by the Public Works Department for storm water controls.

**F. STORM DRAINAGE REQUIREMENTS FOR EACH LOT**

Owner hereby agrees to 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. Said drainage plan shall be submitted, reviewed and approved by the City Public Works Department prior to City issuing a building permit for each Lot in the Subdivision. The drainage plan may require an agreement with upstream and or downstream contributor land owner(s) for permanent use of existing pond facilities, as well as repairs and future maintenance to these pond facilities.

Owner agrees that the lot buyers will be required to detain storm water on their lots as follows. Storm water detention requirements must meet City's Storm Drainage Design Manual requirements except that the design storm to be used for determining maximum outflow rates will be the Great Falls 2 Year, 2 Hour storm applied to the pre-development condition. Owner further agrees to provide drainage easements on the Final Plat for each Lot in the subdivision.

Each Lot buyer shall be responsible for and provide reasonable mitigation for any downstream impacts that may result from surface runoff from Subdivision, and this shall be a covenant running with the land.

**9. STORM DRAINAGE DISTRICT**

Owner hereby agrees to waive right to protest any future area wide storm drainage district for storm drainage facilities to pay a proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without a area wide storm drainage district. The term "area wide" as used herein, means any area larger than that covered by Subdivision, which is a contributor to the storm drainage demand of which Subdivision is a part.

10. OFFSITE SEWER IMPROVEMENTS

The parties agree that the existing availability of existing sewage collection system downstream of the development is at least 1.5 cfs (cubic feet per second) understanding that this may increase or decrease due to changing demands of other sewage contributors. Owner shall provide a proportional share of upsizing costs for segments of the NE Interceptor if peak hourly Subdivision flows exceed 1.5 cfs. Tax Increment Financing funds, if available, can be considered to fund upsizing costs

11. INFRASTRUCTURE EASEMENTS

Owner hereby agrees to provide to City, prior to Owner receiving service from said infrastructure, reasonable appropriate easements to accommodate said infrastructure to serve Subdivision. Owner further agrees to provide, when reasonably deemed necessary by City, any additional easements within the Subdivision to accommodate future infrastructure, with the location of said easements to be determined mutually between Owner and City.

12. EASEMENT AGREEMENTS FOR INFRASTRUCTURE TO SERVE DEVELOPMENT FROM ADJACENT LAND OWNERS

Owner hereby agrees to 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 and water mains to serve Subdivision prior to approval of the final plat of Subdivision, and prior to any infrastructure construction. Storm Drainage easements to serve Subdivision shall be secured prior to issuance of building permits.

The City hereby grants Owner, and/or Owners shall retain, easements permitting the planned railroad to cross 18<sup>th</sup> Avenue North and 67<sup>th</sup> Street North at the most appropriate and convenient location to be fixed and established by Owner in approximately the location depicted on Exhibit A, subject to review and approval by the City’s Public Works Department. These easements shall be further documented and defined in a document to be prepared, executed and recorded within a reasonable time after the execution of this Agreement.

The parties further understand and agree that Owner shall retain the necessary and convenient easements and accesses over and across the future improvement of 67<sup>th</sup> Street North, including but not limited to all necessary and convenient easements for the installation of railroad crossings and private utilities, which are subject to review and approval by the City’s Public Works Department. Any existing easements which may continue in effect after annexation shall be made subject to the terms and provisions of this Agreement and the easements, grants and reservations described herein.

13. TRANSPORTATION FACILITIES

Owner agrees to prepare a traffic impact analysis in compliance with City Code before construction of a project that would result in a cumulative traffic generation, from all tenants in the subdivision, of 250 or more peak hour trip ends.

Owner further agrees that each lot shall have adequate turn-around room for all anticipated traffic. In addition, the city of Great Falls and Owner shall work with Cascade County to prohibit truck traffic on Giant Springs Road, north of 67<sup>th</sup> Street North.

14. FUTURE INFRASTRUCTURE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for infrastructure to pay a proportionate share of any future infrastructure improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term “area wide” as used herein, means any area larger than that covered by Subdivision, which is a contributor to the infrastructure demand of which Subdivision is a part.

15. REQUIRED UPSIZING OF IMPROVEMENTS

Owner agrees to install any oversized infrastructure improvements as determined by the City’s Public Works Department. City agrees to reimburse the Owner for the over sizing cost of any infrastructure within (30) day of its acceptance of the installation and appropriate billing; including provisions for adequate information and documentation supporting said costs. These costs to the City shall be eligible for funding from the proposed TIFD if expansion of said district should occur.

16. REIMBURSEMENT AGREEMENT

The infrastructure and improvements will be designed, installed or constructed by the Owner hereunder, including public water, sewer, paving, roadway improvements, and storm drain, may exceed the capacity necessary for the development and may benefit other property and other property owners (“Beneficial Improvements”). All costs associated with the Beneficial Improvements which are satisfied by Owner with funds from non-public sources (“Private Improvement Funds”) shall be allocated among all parties benefitting from the Beneficial Improvements in proportion to the benefit each receives which shall be measured based on usage, frontage, burden or such other commercially reasonable means of allocation. City Agrees to assess and collect from each third party benefitting from the Beneficial Improvements their proportional share of the Private Improvement Funds using all lawful means available to the City (“Reimbursement Funds”). The City shall collect the Reimbursement Funds at or prior to the approval of any subdivision, annexation or grant of building permits for each parcel of property benefitting from the Beneficial Improvements. All Reimbursement Funds shall be remitted to Owner upon collection by the City.

Owner shall provide City with its actual cost of the installation of the hereinabove mentioned “Beneficial Improvements” within twelve (12) months after approval and acceptance thereof by City. In the event of Owner’s failure to provide City with said cost data, City shall not be obliged to undertake collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of Owner to provide City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only City’s obligation to assist in collection thereof



17. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to rail, fire hydrant, street maintenance and Special Lighting Maintenance Districts and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to lots in Subdivision.

18. SOIL AND/OR GROUNDWATER CONDITIONS

The owner of the property in the Subdivision shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, obligations and costs including reasonable attorney fees, that arise from, result from or relate to adverse soil or groundwater conditions on the owner's property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of the property in the Subdivision, the prior owner's (whether the Owner that made this annexation agreement or a subsequent owner) indemnity obligation for adverse soil or adverse groundwater conditions for the transferred property is released and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property with the adverse conditions at the time the City incurs the claim, debt, liability, obligation or cost is obligated to indemnify and no owner of property in the Subdivision is obligated to indemnify for adverse conditions on property owned by someone else.

This indemnification by the owner of the property in the Subdivision shall apply unless such damage or injury results from the negligence, gross negligence or willful misconduct of the City.

19. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

20. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City and completion of the contemplated public water system to serve Subdivision, will be provided fire protection services by City comparable to that provided other incorporated properties.

21. PUBLIC ROADWAY LIGHTING

In connection with the lawful implementation of any future Special Lighting Maintenance Districts for public roadway lighting facilities that service Subdivision, Owner agrees to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a Special Lighting Maintenance District.

22. BINDING EFFECT

The provisions, covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties

claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

[The remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day, month and year first hereinabove written.

**CITY OF GREAT FALLS**  
A Municipal Corporation of the State of Montana

---

Gregory T. Doyon, City Manager

ATTEST:

---

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

---

James W. Santoro, City Attorney

Great Falls AgriTech Park, LLC, Inc.

By: \_\_\_\_\_  
Great Falls Development Authority

State of \_\_\_\_\_ )

:ss.

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. Two thousand and twelve, before me, the undersigned, a Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ whose name is subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Signature Printed

Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

(NOTARIAL SEAL)

\_\_\_\_\_  
ROGER DONEY A/K/A ROGER L. DONEY,  
as Trustee of Trust B under the Last Will and Testament of John R. Loy and as Co-Trustee of the  
Carolyn B. Loy Trust under Will

\_\_\_\_\_  
HELENE L. DONEY A/K/A HELENE DONEY,  
as Co-trustee of the Carolyn B. Loy Trust under Will

State of \_\_\_\_\_ )

:ss.

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. Two thousand and twelve, before me, the undersigned, a  
Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ whose name is  
subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above  
written.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Signature Printed

Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

(NOTARIAL SEAL)

State of \_\_\_\_\_ )

:ss.

County of \_\_\_\_\_)

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year A. D. Two thousand and eleven, before me, the undersigned, a  
Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ whose name is  
subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above  
written.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Notary Signature Printed

Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_, 20\_\_\_\_\_

(NOTARIAL SEAL)

**PROJECT INFORMATION**

- A. AGRITECH PARK ADDITION
- B. DEVELOPER - GREAT FALLS DEV AUTHORITY  
LANDOWNER - LOY JOHN R TRUST B ETAL
- C. PREPARATION DATE - MAY 8, 2012
- D. PREPARER - TD&H ENGINEERING

SURVEY INFORMATION - SEE ACCOMPANYING DRAFT PLAT

**PROJECT DEVELOPMENT INFORMATION**

- A. LAND USE - AGRICULTURAL
- B. THRU G. - SEE ACCOMPANYING DRAFT PLAT

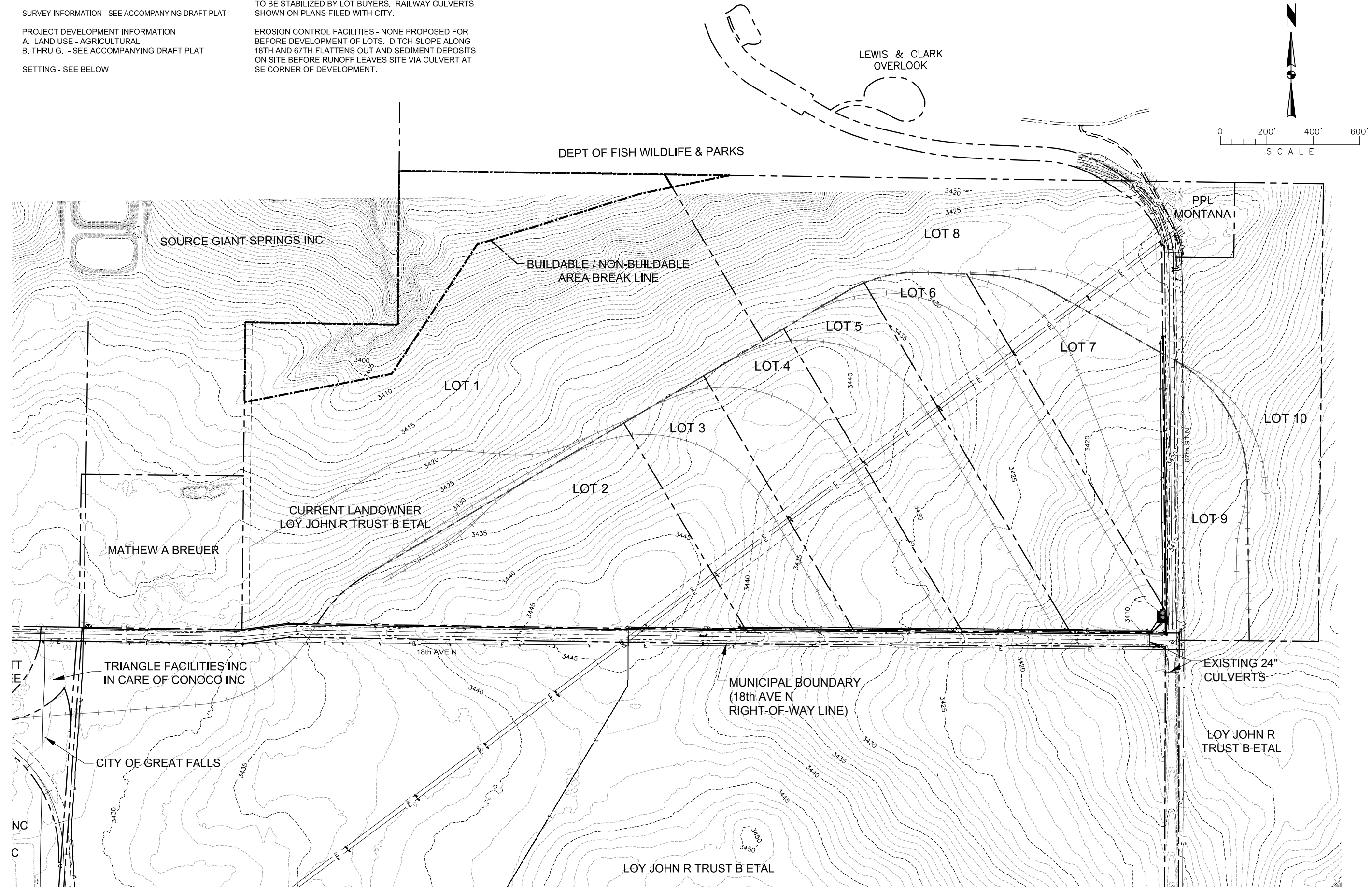
SETTING - SEE BELOW

SITE FEATURES - NOT APPLICABLE

UTILITIES - SEE PLANS ON FILE WITH CITY

STORMWATER FACILITIES - EXISTING CULVERTS ARE SHOWN. EXISTING DRAIN DITCHES ALONG 18TH AND 67TH TO BE STABILIZED BY LOT BUYERS. RAILWAY CULVERTS SHOWN ON PLANS FILED WITH CITY.

EROSION CONTROL FACILITIES - NONE PROPOSED FOR BEFORE DEVELOPMENT OF LOTS. DITCH SLOPE ALONG 18TH AND 67TH FLATTENS OUT AND SEDIMENT DEPOSITS ON SITE BEFORE RUNOFF LEAVES SITE VIA CULVERT AT SE CORNER OF DEVELOPMENT.



REVISIONS	
DATE	DESCR

DRAWN BY: MWC  
 DESIGNED BY: JPJ  
 QUALITY CHECK:  
 DATE: 01.31.12  
 JOB NO. 11-079  
 FIELDBOOK

**NORTHEAST GREAT FALLS AGRITECH PARK**  
 GREAT FALLS, MONTANA

**ANNEXATION AGREEMENT EXHIBIT "A"**

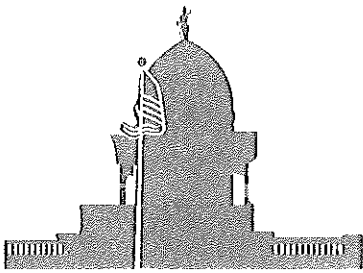
**TD&H**  
 ENGINEERING CONSULTANTS  
 GREAT FALLS-BOZEMAN-KALISPELL  
 LEWISTON  
 MONTANA  
 WASHINGTON  
 D.C.

**THOMAS, DEAN & HOSKINS, INC.**  
 ENGINEERING CONSULTANTS  
 MONTANA  
 WASHINGTON  
 D.C.

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EXHIBIT G – WRITTEN PUBLIC COMMENT

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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

# CASCADE COUNTY

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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 67<sup>th</sup> Street North I-2, the rest remains zoned as agricultural.

The action to retain the agricultural zoning East of 67<sup>th</sup> was by design, not by accident. GFDA asked if the County Commission would be willing to rezone areas east of 67<sup>th</sup> 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 67<sup>th</sup> 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



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

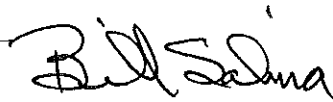
In closing, we are disappointed that GFDA has chosen to put forward a plan that had it been shared with the County at the outset would have likely caused us to deny the original change of zoning from Agricultural to I-2.

Sincerely,

Board of County Commissioners  
Cascade County, Montana



Joe Briggs  
Commissioner



Bill Salina  
Commissioner



P.O. Box 200701  
1420 East 6<sup>th</sup> 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

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

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 18<sup>th</sup> 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 67<sup>th</sup> 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.

Mike Haynes  
June 28, 2012  
Page 4 of 4

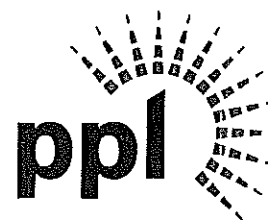
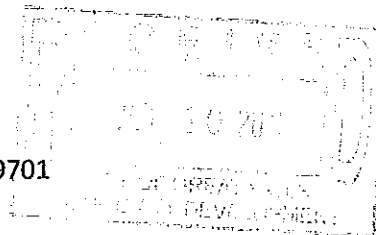
In closing, we see opportunities for balanced development in a manner that will protect the national and statewide significance of park resources, maintain economic and recreational benefits provided by Giant Springs State Park and its associated lands while continuing to make Great Falls a wonderful 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 black ink, appearing to read "Chas Van Genderen". The signature is fluid and cursive, written over a light blue horizontal line.

Chas Van Genderen  
Administrator  
Montana State Parks

PPL Montana, 45 Basin Creek Road, Butte, Montana 59701



PPL MONTANA, LLC

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

July 6, 2012

Dear Mike:

PPL Montana provides this letter to comment upon the proposed AgriTech Industrial Park to be located northeast of Great Falls near Rainbow Dam, and to express our belief in the needed incorporation of measures into the City's annexation agreement to allow for protection of recreation resources on adjacent lands, including lands owned by PPL Montana. We understand that on July 10<sup>th</sup>, the City Planning Board will be reviewing an application from the Great Falls Development Authority for annexation of the proposed AgriTech Industrial Park, located on 18<sup>th</sup> Avenue North. As we near completion of the Rainbow Redevelopment Project and new powerhouse at Rainbow Dam, PPL Montana recognizes the economic benefit that is provided to the City by major industrial development.

PPL Montana has participated over the past several decades in supporting recreational development of the Missouri River corridor, its scenic overlooks near Rainbow Dam, and the River's Edge Trail. We recognize the economic benefit these recreational amenities bring to the City, and support their continued use and protection. Montana State Parks currently provides recreation management of lands on the south and north shore owned by PPL Montana and we fully concur in the recommendations the Division has made relative to the proposed Industrial Park.

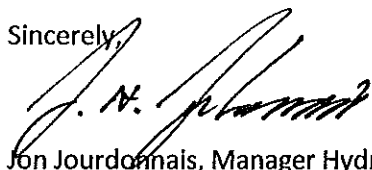
Our primary recommendation for the proposed AgriTech Industrial Park is for incorporation of adequate storm water plans and controls into the design of the industrial park for protection of adjacent lands from increased surface runoff and erosion, as well as increased groundwater flow. Several of the proposed lots within the industrial park would drain toward land owned by PPL Montana and the State of Montana at Giant Springs State Park. We have incurred a significant adverse impact on our operation due to the Whitmore Ravine runoff and discharge into the Cochrane reservoir and do not want to see similar additional impacts to Rainbow and Cochrane reservoirs. Additionally, over the past two years, PPL Montana has completed a costly stabilization project at the Lewis & Clark Overlook. Our data indicates that groundwater flow from adjacent and upslope lands toward the river corridor can contribute to de-stabilization of the slopes at the Lewis & Clark and Rainbow overlooks. Following completion of slope stabilization efforts, PPL Montana began collection of data on groundwater depths utilizing several piezometers to better understand groundwater flow at the overlooks. We believe that incorporation of a well-designed and effectively implemented storm water plan, together with on-going control of surface runoff at the industrial park, will help protect the stability and use of adjacent recreational lands and prevent sediment loading of Rainbow and Cochrane reservoirs, which protects our operation and the recreational benefits of the reservoir.

We support the use of an irrigated vegetative buffer between the proposed industrial park and adjacent recreational lands, as recommended by Montana State Parks, and note that a well-designed and well-maintained vegetative buffer would help address Parks' concerns for visual encroachment, potential noise impacts, intrusion of artificial light, and litter control. We also encourage the Planning Board to consider restrictions on truck traffic and vehicle use related to the industrial park on Giant Springs Road, since alternative access is available to the industrial park from 18<sup>th</sup> Avenue North.

PPL Montana recognizes the efforts of the City of Great Falls for thorough planning and development of the AgriTech Industrial Park, and encourages the thoughtful, balanced development of the industrial park in a manner that protects existing recreational amenities on adjacent lands.

Please contact me if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "J. N. Jourdonnais". The signature is written in a cursive style with a large, sweeping initial "J".

Jon Jourdonnais, Manager Hydro Licensing and Compliance



July 10, 2012

615 THIRD AVENUE NORTH  
GREAT FALLS, MONTANA  
59401

City of Great Falls Planning and Development  
Civic Center, Room 112  
Great Falls, MT 59401

RE: Proposed Agri-Tech Industrial Park

Missouri River Citizens (MRC) supports the protection of the Missouri River and of Giant Springs and is against the Agri-Tech Park proposed by the Great Falls Development Authority. The membership of our organization is concerned that further industrial development so close to Giant Springs State Park could very possibly pollute forever the water quality, and will undoubtedly pollute forever the quality of the experience of people who visit the park, the Lewis and Clark Interpretive Center, and the waterfalls of the Missouri that are in this area, as well as the park near the Montana Fish Wildlife and Parks buildings.

The general practice of scattering small industrial parks throughout the city has a negative impact upon the quality of life in our community. Heavy truck traffic through some of our most scenic city areas such as the River Road by-pass has already begun interfering with public access to the river a short distance from the downtown. Further industrialization of this area will certainly have a negative impact upon not only traffic but our city's infrastructure, requiring larger sewer pipes, more roads for trucks; increasing city sewer rates and decreasing tourist access.

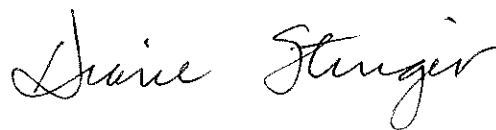
MRC is not opposed to industrial development, providing jobs and an increased tax base, but is committed to this development being away from the river. MRC does not believe it is possible to mitigate the impact of such a park on Giant Springs, the L&C Interpretive Center, or Rainbow Falls Overlook. The sights, sounds and smells of the prairie environment now enjoyed at these three places will be forever destroyed. Giant Springs is a priceless natural wonder, the Interpretive Center relies on its environmental surrounding as part of its lure as a tourist destination,



the Great Falls of the Missouri are world renowned, as are the former two attractions. Many people and organizations such as the US Forest Service, Montana Fish, Wildlife and Parks, the city and the county have worked together to preserve this prairie and river area. This relatively pristine area is an enormous attraction for people from all over the world, and will only grow as such. We should be working to make this area more pristine, rather than working to destroy the experience people travel thousands of miles to enjoy, at the same time spending money in our city, providing and positively impacting jobs for hundreds of residents.

Why destroy the work of so many citizens by locating an industrial park in close proximity to these attractions? Why take away or reduce jobs from hundreds to provide jobs for a few when new jobs can be created in another location and allow this remarkable area to remain a never- to -be -forgotten experience for thousands of people in the near and far future? It is plainly nonsensical to do so. We urge you to abandon consideration of this location and re-focus your attention to developing the Great Bear Industrial Park as a much more suitable location for heavy industry. MRC supports the Great Bear Industrial Park on the north side of the river, and is very disappointed and puzzled by Great Falls Development Authority's apparent bungling and/or stalling of the building of a rail spur serving this Industrial Park, yet advances the proposed and non-sensical Agri-Tech Park location by emphasizing its railroad accessibility. The public is owed an explanation, and the hundreds of jobs of those who benefit from the tourist industry are owed your serious consideration and an explanation of this thoughtless proposal.

Sincerely,  
Missouri River Citizens

A handwritten signature in cursive script that reads "Diane Stinger".

By: Diane Stinger, Board Member

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 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 18<sup>th</sup> 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>

## Michael Haynes

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**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 3<sup>rd</sup> St NW

Great Falls, MT 59404

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.

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

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