



**Planning Advisory Board/Zoning Commission Agenda
May 14, 2024 3:00 PM
2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center**

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City’s website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, May 14, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

OPENING MEETING

1. Call to Order - 3:00 P.M.
2. Roll Call - Board Introductions

Dave Bertelsen - Chair

Tory Mills - Vice Chair

Julie Essex

Lindsey Gray

Pat Green

Samantha Kaupish

Jake Schneiderhan

3. Staff Recognition
4. Approval of Meeting Minutes - April 9, 2024

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Public Hearing – Annexation of Lot 3, Block 3 of the First Addition to Viles’ and Robinson’s Acre Tracts, Sec 35, T21N, R3E, P.M.M, Cascade County, Montana (2617 6th Street NW); and, establishing the City zoning classification of R-2 Single-family Medium Density

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

6. 2024 Memorandum of Agreement for the Great Falls Metropolitan Transportation Planning Process

COMMUNICATIONS

PUBLIC COMMENT

Public Comment on any matter and that is within the jurisdiction of the Planning Advisory Board/Zoning Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Planning Advisory Board/Zoning Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Meetings are re-aired on cable channel 190 the following Thursday at 7 p.m.

MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
April 9, 2024

CALL TO ORDER

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

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), the City of Great Falls and Planning Advisory Board/Zoning Commission are making every effort to meet the requirements of open meeting laws:

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
 - Attend in person. Please refrain from attending in person if you are not feeling well.
 - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, April 9, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

Planning Board Members present:

Dave Bertelsen, Chair
Tory Mills, Vice Chair
Julie Essex
Lindsey Gray
Pat Green
Samantha Kaupish

Minutes of the April 9, 2024

Planning Advisory Board/Zoning Commission Meeting

Page 2

Planning Board Members absent:

Jake Schneiderhan

Planning Staff Members present:

Brock Cherry, Director Planning and Community Development

Lonnie Hill, Deputy Director Planning and Community Development

Rachel Campbell, Permit Technician

Andrew Finch, Sr. Transportation Planner

Jamie Nygard, Sr. Administrative Assistant

Other Staff present:

Rachel Taylor, Deputy City Attorney

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

MINUTES

Chair Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on March 26, 2024. Seeing none, the minutes were approved.

COMMISSION ACTIONS REQUIRING A PUBLIC HEARING

A Zoning Map Amendment to change the zoning for the property addressed as 1525 3rd St NW and legally described as Lot 21 of Riverview Tracts 5th Supplement Section 2, T20N, R3E, P.M.M., Cascade County, Montana, from M-2 Mixed-Use Transitional to C-2 General Commercial

Lonnie Hill, Deputy Director, presented to the Commission. He stated that the applicant, Town Pump, was requesting a rezone from M-2 Mixed-use Transitional to C-2 General Commercial on the 0.87 acres addressed as 1525 3rd St NW. They are proposing a remodel of the existing building into a lounge, casino, and off site alcohol sales. The land uses are not permitted within the M-2 Zoning District but are allowed in the C-2 Zoning District.

Minutes of the April 9, 2024

Planning Advisory Board/Zoning Commission Meeting

Page 3

Mr. Hill presented an Aerial Map, Zoning Map, and Site Photos.

Mr. Hill stated that the property was most recently “Best Wok”, which was established in 2016. It was previously “New Peking” which included a lounge, casino, and liquor sales. The uses were legal nonconforming but the nonconforming uses were vacated in 2016 when it changed to “Best Wok”. Mr. Hill stated that per OCCGF, if the nonconforming use ceases to exist for 24 months, subsequent uses must conform to current codes, which requires a rezone.

Mr. Hill stated that the property to the north, east, and south of the requested rezone are all zoned M-2 and the properties to the west are all zoned C-2.

Mr. Hill stated that the M-2 District is intended to promote a transition over time to a predominately mixed-use land use pattern. He stated that because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. The subject property doesn’t fit into the plan, as it is fully developed as a restaurant site.

Mr. Hill stated that the proposed C-2 District primarily intends to accommodate high-traffic businesses that focus on vehicle traffic. Staff finds that the request to rezone to C-2 is appropriate because of the existing conditions of the commercial site and its location upon a principal arterial, 3rd Street NW, that can accommodate high-traffic business activity, which is a defining characteristic of the C-2 District.

Mr. Hill stated the project is located within Neighborhood Council #3, which met on March 7, 2024 to review the requested rezoning. They voted 2-1 to support the request.

Mr. Hill presented the Basis of Decision – Zoning Map Amendment

1. The amendment is consistent with and furthers the intent of the City’s Growth Policy.
 - Staff finds the City’s Growth Policy supports the proposed zoning map amendment to facilitate redevelopment upon an infill lot so as to maximize the City’s existing infrastructure and services.
 - The Zoning Map Amendment is consistent with several sections and polices of the Growth Policy including:
 - Physical Goals and Principles (page 88)
 - Key Implementation Strategies (page 117)
 - Environmental Policies – Urban Form (page 144) policy 2.3.1
 - Economic Policies – Attract and retain New Business (page 155) policy 3.4
 - Physical Policies – Land Use (page 162) policies 4.11 and 4.1.5
2. The amendment is consistent with and furthers adopted neighborhood plans, if any.
 - No adopted neighborhood plans
 - The project was presented to Neighborhood Council #3 and they voted 2-1 to support the request.
3. The amendment is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

Minutes of the April 9, 2024

Planning Advisory Board/Zoning Commission Meeting

Page 4

- Located within the “Primary Impact Area” of The Missouri River Urban Corridor Plan.
 - Staff notes the subject property is not immediately fronting the Missouri River, and is located upon a principal arterial street frontage, 3rd Street NW.
 - The area, including the subject property, was an existing commercial site at the time of the Plan’s adoption.
 - The plan acknowledges existing commercial properties and states a goal to incorporate existing commercial developments into the new community.
 - The plan states commercial development capitalizes on primary street frontage and acts as a buffer, sheltering residential development behind.
 - The plan states the lack of growth is the single biggest barrier to success for the community and the river and as a result, Staff finds consistency between the applicants request to rezone the property C-2 to allow for the utilization of an existing vacant commercial site and the Missouri River Urban Corridor Plan.
4. The code with the amendment is internally consistent.
 - The proposed amendment to establish C-2 General Commercial Zoning will not be in conflict with any portion of the existing City Code and will be internally consistent.
 - The proposed uses of a lounge, casino, and liquor store, fits within the context of the existing commercial corridor based on the surrounding uses surrounding the subject property.
 5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.
 - There are no existing public health, safety, or welfare issues that have been identified for the property. The zoning assignment have no impact.
 6. The City has or will have the financial staffing capability to administer and enforce the amendment.
 - The City has the financial and staffing capability to administer and enforce the amendment if approved. The use of the subject property conforms to the proposed zoning.
 - There is no new public infrastructure needs to be provided. If any is needed, it will be at the cost of the developer.

Mr. Hill presented the Conditions of Approval.

1. General Code Compliance.
 - The proposed project shall be developed consistent with the conditions in this report and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Land Use and Zoning.

Minutes of the April 9, 2024

Planning Advisory Board/Zoning Commission Meeting

Page 5

- The proposed plan shall conform to the C-2 General Commercial Zoning district development standards contained within the Official Code of the City of Great Falls.
3. Engineering Review.
- The final engineering drawings and specification for improvements to the subject property shall be submitted to the City Public Works Department for review and approval.

APPLICANTS PRESENTATION

Joe Murphy, Big Sky Civil and Environmental, 1324 13th Ave SW, thanked Mr. Hill for his assistance through the rezoning process and stated he was available for any questions. He also stated that Dan Sampson, with Town Pump, was in attendance.

PUBLIC QUESTIONS

None

BOARD QUESTIONS TO APPLICANT/STAFF

Mr. Bertelsen asked if transitional meant until another use can be determined for the subject property. Mr. Hill responded that the M-2 District's intent is to transition from historically industrial uses over to mixed uses, not "transitional" that the zoning designation is meant to be a "interim" designation or temporary.

Mr. Mills asked if Pacific Steel and Recycling is in an M-2 district, would they have a right to turn the entire property into an I-1, if they bought the property next door that was in I-1 zoning, without needing any kind of review. Mr. Hill responded that per the current code, the M-2 Mixed-use zoning standards, they have a right to continue without any sort of land use entitlement such as a rezone.

Mr. Bertelsen asked if the property at Pacific Steel and Recycling sat vacant for 24 months, would they have to go through the rezone process. Mr. Hill responded that in the M-2 district existing industrial uses are conforming, so they would not need to go through the process.

Mr. Bertelsen asked for clarification that Pacific Steel scenario of a conforming use was different than the subject property previously having nonconforming rights of a casino. Mr. Hill responded that was correct.

PROPONENTS

None.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the zoning map amendment for the subject property as legally described in the Staff Report to rezone the property from M-2 Mixed-use Transitional to C-2 General Commercial, based on the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Mills

Second by: Mr. Green

Vote: All in favor, the motion passed 6-0

BOARD ACTIONS NOT REQUIRING A PUBLIC HEARING

Section 5303 Federal Transit Administration Funding Contracts with the Montana Department of Transportation and the Great Falls Transit District

Andrew Finch, Senior Transportation Planner, presented to the Board. He stated that “5303” funds are used by the Great Falls Transit District to perform transit planning functions, including a new Transit Development Plan. He went over the amounts for fiscal year 2025. He stated that the contracts allow the Montana Department of Transportation to pass the funds to the Planning and Community Development department, who then passes them on to the

Minutes of the April 9, 2024

Planning Advisory Board/Zoning Commission Meeting

Page 7

Transit District.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board approve the Section 5303 Contracts with the Montana Department of Transportation and the Great Falls Transit District.

Made by: Ms. Kaupish

Second by: Mr. Green

Vote: All in favor, the motion passed 6-0

COMMUNICATIONS

Mr. Cherry stated that staff was working with the City Attorney’s office and there will be some joint upcoming trainings with the Planning Advisory Board/Zoning Commission, City Staff and the City Commission.

Mr. Hill stated that there will not be a Planning Advisory Board/Zoning Commission meeting on April 23, 2024. He said there will hopefully be a residential annexation on the Agenda in May.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 3:33 p.m.

CHAIRMAN DAVE BERTELSEN

SECRETARY BROCK CHERRY



Meeting Date: May 14th, 2024

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

- Item:** Public Hearing – Annexation of Lot 3, Block 3 of the First Addition to Viles’ and Robinson’s Acre Tracts, Sec 35, T21N, R3E, P.M.M, Cascade County, Montana (2617 6th Street NW); and, establishing the City zoning classification of R-2 Single-family Medium Density
- Initiated By:** Leigh Larson, Owner
- Presented By:** Kayla Kryzsko, Assistant Planner, Planning and Community Development
- Action Requested:** Recommendation to the City Commission

Public Hearing:

1. Chairman of the Board conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Chairman of the Board closes public hearing and asks the will of the Board.

Suggested Motion:

1. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (approve/deny) the annexation of the property legally described as Lot 3, Block 3 of Viles’ and Robinson’s First Addition, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

And;

II. “I move that the Zoning Commission recommend the City Commission (approve/deny) the establishment of R-2 Single-family Medium Density zoning for the subject property as legally described in the staff report, and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.”

2. Chairman calls for a second, board discussion, and calls for the vote.

Background:

The owner of the property legally described above and addressed as 2617 6th Street NW submitted an application in February of 2024 to annex the existing residence into the City for the purpose of connecting to City sanitary sewer utilities due to continuous septic failure. The subject property has an existing City water connection. City staff met with the property owner to explain the process and costs associated with annexation. The applicant was advised that connecting to sewer utilities can be

permitted prior to the completion of annexation with the understanding that if for any reason the annexation does not get completed, the property owner will be required to disconnect from the City's sanitary sewer main. An acknowledgment letter was provided to the applicant to sign and return to the Public Works Department for their records. The letter is provided as *Attachment D - Utilities Letter*.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the Great Falls Tribune on April 28th, 2024, a notice was sent in the mail to neighbors within 150 feet, and a sign was placed on the premises of the subject property.

Neighborhood Council Input:

The subject property is located adjacent to Neighborhood Council #3. The project was presented to the Council at their regularly scheduled meeting on May 2nd, 2024. The Council voted unanimously to support the request.

Annexation Request Summary & Establishment of Zoning:

The annexation request for the property owned by Leigh Larson consists of approximately 0.413 acres. The property is contiguous to the existing City limits along the south and east property lines. In summary, the requested annexation is supported by City staff to allow the property owner to connect to the City sanitary sewer main. The basis for decision for an annexation by petition request is listed in OCCGF 17.16.7.050. The recommendation of the Planning Advisory Board and the decision of the City Commission shall, at a minimum, consider the criteria, which are attached as *Attachment A - Basis of Decision – Annexation by Petition*.

The subject property is being proposed for R-2 Single-family Medium Density zoning. The R-2 zoning district aligns with the existing use of a single-family residence upon the property and fits the existing surrounding residential uses. Nearby residences within the City of Great Falls are within the R-2 zoning district. The basis for decision on zoning map amendments is listed in the Official Code of the City of Great Falls (OCCGF) 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of the City Commission shall at a minimum consider the criteria, which are attached as *Attachment B - Basis of Decision – Zoning Map Amendment*.

Improvements and Reimbursements:

To serve the subject property, the owner is required to abandon all drain fields and septic tanks per the Cascade County Health Department and City of Great Falls requirements and connect to the existing sewer main located 6th Alley NW. The owner is required to install a sanitary sewer manhole at the existing terminus of the sewer main in the alleyway abutting the southeast corner of Lot 3 in conformance with City standards.

Under the terms of *Attachment E –Annexation Agreement*, the owner is required to, when deemed necessary by the City in conjunction with a public infrastructure improvements project, pay for its proportionate share of the costs of a future eight-inch-high pressure water main and appurtenances to be installed in 6th Street NW, and relocate its water service line to said main. The owner also agrees to, when deemed necessary by the City in conjunction with a public infrastructure improvements project, pay for its proportionate share of the costs of future improvements to 6th Street NW to a local standard including pavement, curb, gutter, and sidewalk.

Concurrences:

Representatives from multiple departments, including the City's Public Works Department have been involved throughout the review process for this request. Both Engineering Division of Public Works and the Legal Department have collaborated and came to consensus on the submitted Annexation Agreement.

Fiscal Impact:

The request to annex the subject property will utilize existing utility infrastructure and is located within an area currently served by City Fire and Police. A sanitary sewer service will be installed as part of this request. The applicant will bear the cost of the sanitary sewer connection per the agreed-upon terms of the attached Annexation Agreement and Utilities Letter. The annexation will add one (1) lot within the city, which will increase the City's tax base.

Staff Recommendation:

Staff recommends approval of the annexation and assignment of R-2 Single-family Medium Density zoning of Lot 3, Block 3 of the First Addition to the Viles' and Robinson's Acre Tracts, and assignment of R-2 zoning with the following conditions:

Conditions of Approval for Annexation and Establishment of Zoning:

1. **General Code Compliance.** Any future development of the property shall be consistent with the conditions in this report, as well as all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Annexation Agreement.** The applicant shall abide by the terms and conditions and pay all fees specified in the attached Annexation Agreement for the subject property. The Annexation Agreement must be signed by the applicant and recorded with the Cascade County Clerk and Recorder.
3. **Land Use & Zoning.** The property's development shall be consistent with the allowed uses and specific development standards of the R-2 Single-family Medium Density zoning district.

Alternatives:

The Planning Advisory Board/Zoning Commission could recommend denial of the annexation and zoning map amendment request. For these actions, the Planning Advisory Board/Zoning Commission must provide an alternative Basis of Decision for denial of the annexation and establishment of zoning.

Attachments/Exhibits:

- Attachment A - Basis of Decision – Annexation
- Attachment B - Basis of Decision – Zoning Map Amendment
- Attachment C - Aerial Map
- Attachment D - Zoning Map
- Attachment E - Annexation Agreement

Attachment A

BASIS OF DECISION – ANNEXATION

Lot 3, Block 3 of the First Addition to Viles' and Robinson's Acre Tracts, located in Section 35, T21N, R3E, P.M.M., Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in the Official Code of the City of Great Falls § 17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The subject property is contiguous to the existing City limits, with previously annexed property being present to the east and south of the proposed annexation area.

2. The proposed annexation is consistent with the City's growth policy.

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The request is supported by the following Social and Physical portions of the Growth Policy:

- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
- Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

3. The proposed annexation is consistent with applicable neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #3. There is no adopted neighborhood plan for Neighborhood Council #3, nor any other Council within the City. Neighborhood Council #3 discussed the project at their May 2nd, 2024 meeting. The Council voted unanimously to support the request.

4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The proposed annexation consists of an existing residential home and will not generate any additional traffic to the surrounding transportation network.

5. The City has, or will have, the capacity to provide public services to the subject property.

The City has the capacity to provide public services to the subject property, as they are within an area served by the City Fire and Police Department. The subject property is already served by City water. Additionally, the City is able to provide sanitary sewer service to the subject property according to a previous agreement in which the applicant is permitted to connect to

Attachment A

the City sanitary sewer main prior to the completion of annexation with the understanding that if for any reason the annexation does not get completed the property owner will be required to disconnect from the City's sanitary sewer main. The acknowledgement letter was provided to the applicant to sign and return to the Public Works Department for their records.

6. The subject property has been or will be improved to City standards.

The subject property was previously developed within Cascade County. Existing non-conformities for the subject property will be allowed to continue when annexed into the City. Moving forward, the subject property shall be consistent with OCCGF § Title 17 Chapter 64, *Nonconformities*.

7. The owner of the subject property will bear all of the cost of improving the property to City standards and or/ the owner has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

The Annexation Agreement for the subject property is provided as an attached to the Agenda Report. This agreement outlines the responsibility and cost for various improvements, and addresses the creation of any special improvement districts.

8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.

The subject property has been surveyed and recorded prior to this petition as part of the First Addition to Viles' and Robinson's Acre Tracts, which is on file with the Cascade County Clerk and Recorder.

9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.

As mentioned above, the City is currently providing water service and is able to provide sanitary sewer service to the subject property according to a previous agreement in which the applicant was permitted to connect to sanitary sewer prior to the completion of annexation with the understanding that if for any reason the annexation does not get completed the property owner will be required to disconnect from the City's sewer main. Acknowledgement letters were provided to the applicant to sign and return to the Public Works Department for their records.

10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

The subject property is not located in an area the City Commission has designated as unsuitable for annexation. Development, new construction, alteration or substantial improvement may not commence without full compliance with the provisions of OCCGF Title 17, Chapter 20 – *Lot Area and Dimensional Standards*.

Attachment A

11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)

The subject property is not located in another city or town.

12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)

The subject property is not used for the uses listed above. The properties surrounding the subject property are existing residences.

BASIS OF DECISION – ZONING MAP AMENDMENT

Lot 3, Block 3 of the First Addition to Viles' and Robinson's Acre Tracts, located in Section 35, T21N, R3E P.M.M., Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls (OCCGF) § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposal to annex and establish R-2 Single-family medium density zoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposed zoning map amendment specifically supports the following goals and policies:

- Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
- Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

The subject property is located adjacent to Neighborhood Council #3. There is no adopted neighborhood plan for Neighborhood Council #3, nor any other Council within the City. Neighborhood Council #3 discussed the project at their May 2nd, 2024 meeting. The Council voted unanimously to support the request.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The subject property is not located within any adopted plan or sub-area planning areas. The annexation request consists of an existing residential home and will not generate any additional traffic.

4. The code with the amendment is internally consistent.

The proposed establishment of R-2 Single-family Medium Density zoning is not in conflict with any portion of the existing City Code and will be consistent with adjacent existing zoning. The existing single-family home fits in with the context of the neighborhood based on the surrounding single-family homes adjacent to the property. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood, as the subject property is an existing residential property.

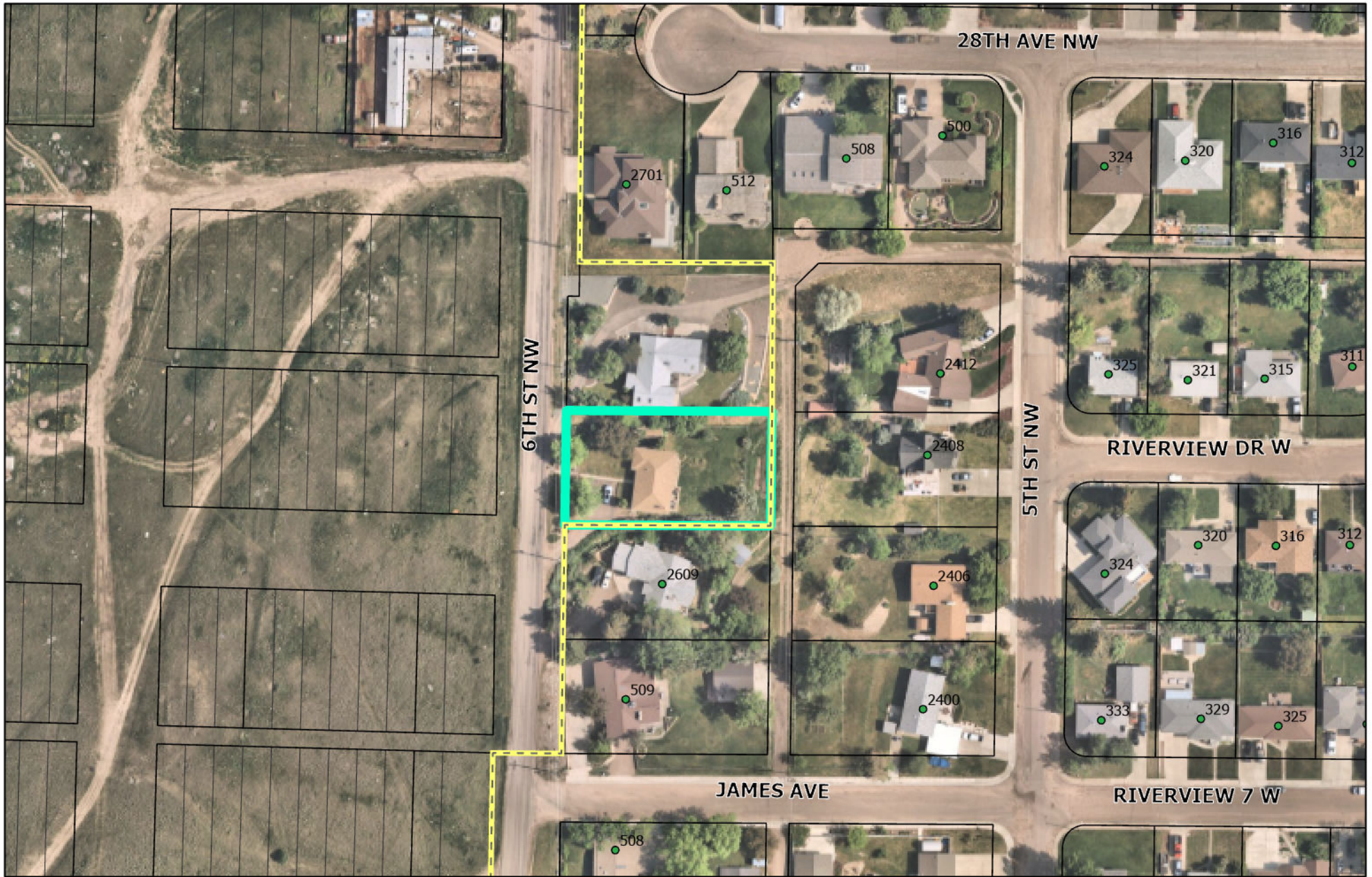
Attachment B**5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.**

There are no existing public health, safety, or welfare issues that have been identified for the subject property. The zoning assignment will have no impact on these issues.

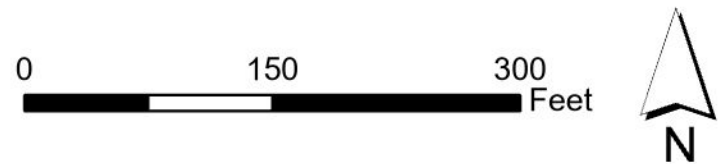
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to administer and enforce the amendment if it is approved. The use of the subject property conforms to the proposed zoning, and no new public infrastructure needs to be provided to support the new zoning designation on the property.

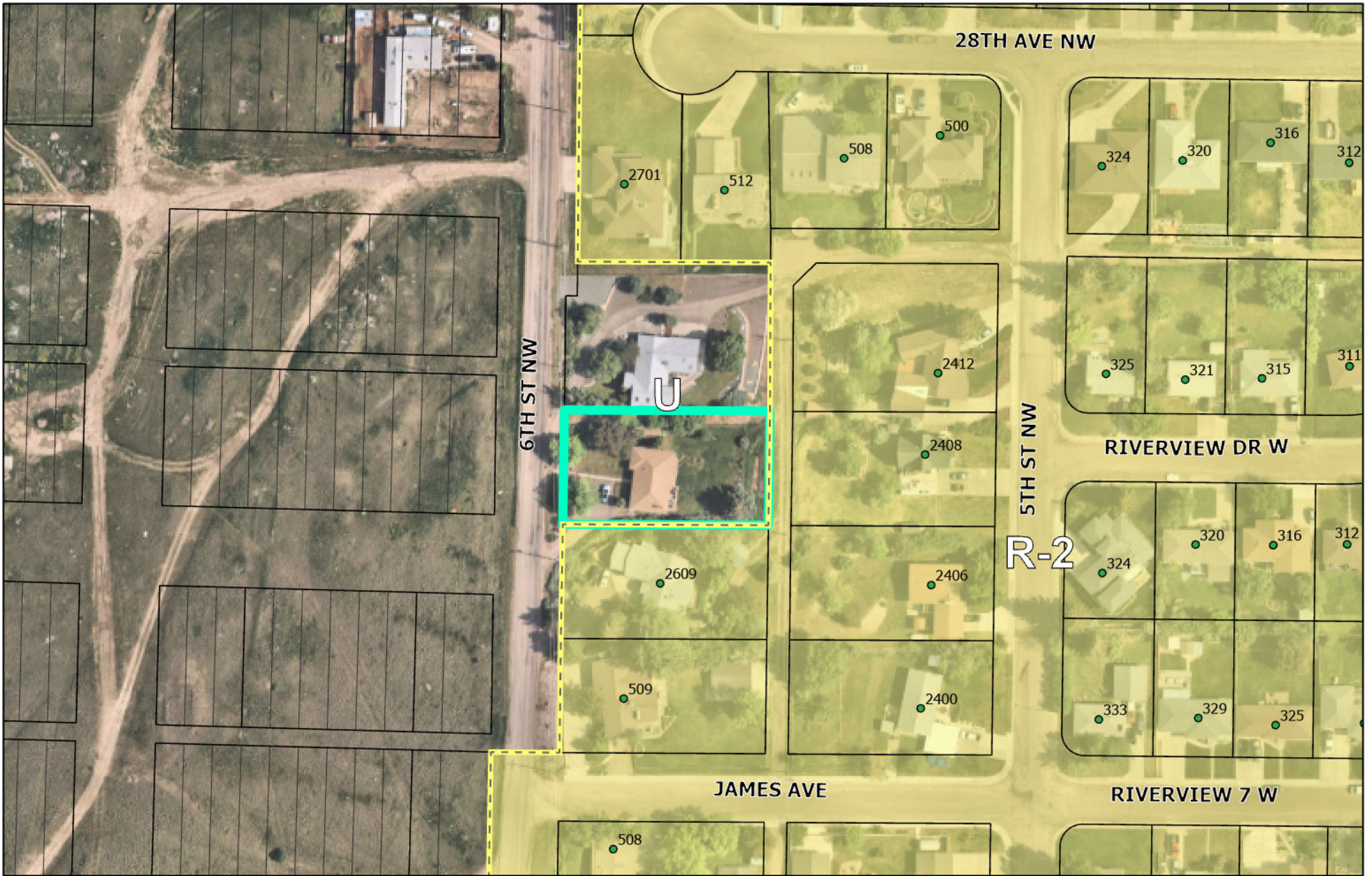
Aerial Map



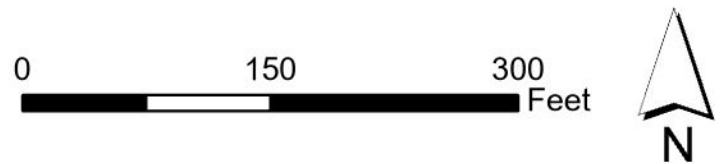
-  City Limit
-  Parcels
-  Subject Property



Zoning Map



- City Limit
- Parcels
- Subject Property



ANNEXATION AGREEMENT
TRACT OF LAND LEGALLY DESCRIBED AS LOT 3, BLOCK 3 OF THE FIRST ADDITION TO VILES’
AND ROBINSON’S ACRE TRACTS, LOCATED IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 3
EAST, P.M.M., CASCADE COUNTY, MONTANA.

The following is a binding Agreement dated this _____ day of _____, 2024, between Leigh Larson, hereinafter 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 of a tract of land into the corporate limits of the City legally described as Lot 3, Block 3 of the First Addition to Viles’ And Robinson’s Acre Tracts, Section 35, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as “Subject Property”. Owner of the aforementioned Subject Property agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agrees to terms applicable to the Subject Property. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions are fulfilled by the Owner, as required by the City's approval of the supporting documents. Generally, this Agreement:

1.1 Declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Subject Property;

1.2 Requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by as required by the Official Code of the City of Great Falls (OCCGF);

1.3 Waives protest and appeal by the Owner and their successors against the creation of special improvement and maintenance districts that would provide and maintain necessary infrastructure;

1.4 Indemnifies the City from claims relating to its approval of any construction or other development-related activities for the Subject Property and clarifies the City’s limited role in the approval and oversight of any such construction or other development-related activities.

2. Supporting Documents. Each of the following supporting documents are to be submitted for review and approval by the City.

2.1 Legal Documentation. Legal documents, including but not limited to any easements, covenants, and restrictions establishing the authority and responsibilities of Owner, which may be recorded in the Clerk and Recorder’s Office of Cascade County, Montana.

3. Changes. The Owner understand that failure to install required improvements in accordance with the final construction plans is a breach of, and may void, this Agreement. The Owner also understands that such failure is a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrator (the person or persons charged by the City Manager with the administration of this improvement agreement) is hereby authorized to allow minor changes to approved improvements, as provided below:

Attachment E

3.1 Minor Changes. Minor changes to the improvements that are deemed appropriate and necessary by the Administrator and which do not materially affect the hereinabove mentioned Subject Property, can be made as follows:

3.1.1 Before making changes, the Owner must submit revisions to the Administrator for review. Failure to do this before the proposed change is made may be considered by the City to be a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed changes within fourteen (14) days of receipt of the revised plans.

3.1.2 Based on a review of the revisions, the Administrator may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the annexation of the Subject Property or the OCCGF.

3.1.3 Minor changes in the location and specifications of the required improvements may be permitted by the Administrator. The Owner must submit revised plans showing such changes to the Administrator. Revised plans are not accepted until approved by the Administrator.

4. Fees. The Owner understands that they are required to pay the following fees as they come due. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

4.1 Recording Fees. The Owner will pay all recording fees at the rate charged by Cascade County at the time the annexation resolution is submitted for recording.

4.2 Connection and Construction Fees. Water service tapping and water and sewer service connection fees will be assessed at the times of tapping and connections.

4.3 Storm Drain Fee. The Owner will pay a storm drain fee in the amount of \$250 per acre for annexation of the Subject Property. This equates to **\$103.25** for the total 0.413 acres of the Subject Property. The total storm drain fee shall be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

4.4 Payment of Application Fees Acknowledged. The following fees have been paid by the Owner: \$3,061.95 application fee for annexation and establishment of zoning.

4.5 Reimbursement Owed to the Owner of Lot 1, Block 3, First Addition to Viles' and Robinson's Acre Tracts. The Owner will pay a reimbursement owed for sixty-foot portion of the existing sanitary sewer main crossing James Avenue in the amount of \$220.28. The reimbursement shall be paid to Mr. Don Labar, successors, or assigns no later than 30 days after annexation.

5. Site Conditions. The Owner warrants that they have conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the Subject Property. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

6. On-Site Improvements. The on-site improvements shall include everything required to provide water, sanitary sewer, access, and other requirements as may be required by OCCGF. If necessary, the Owner shall provide public utility easements for all required public utilities.

Attachment E

6.1 Sewer Improvements. To serve the Subject Property, the Owner is required to abandon all drain fields and septic tanks per the Cascade County Health Department and City of Great Falls requirements and connect to the existing sewer main located 6th Alley NW under the terms and conditions of the City Sewer Line Installation Letter dated February 8th, 2024.

7. Nonconforming structures. The City acknowledges previously existing structures on the Subject Property. If these structures are found to be nonconforming, they may continue so long as they remain otherwise lawful, subject to the provisions within OCCGF 17.64.030 – Nonconforming structures.

8. Special Improvement and Maintenance Districts. Owner hereby agrees to waive their right to protest and appeal the lawful creation by the City of special improvement or maintenance districts for any proper purpose and shall pay the proportionate share of the costs associated with said special improvement or maintenance districts as they may be applied to the Subject Property.

9. Park District. Owner acknowledges that the Subject Property will be, by operation of law and pursuant to Resolution No. 10238, adopted by the City Commission on June 5, 2018, included within the boundaries of the Great Falls Park District Number 1. Owner acknowledges that property within the Great Falls Park District Number 1, including the Subject Property, is subject to annual assessments for the purposes of the Great Falls Park District Number 1 in amounts to be determined by the City Commission each year, in accordance with Resolution No. 10238, as it may be amended or supplemented.

10. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the Subject Property incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned City zoning classification of R-2 Single-family Medium Density.

11. Public Infrastructure Improvements. The Owner agrees to install a sanitary sewer manhole at the existing terminus of the sewer main in the alleyway abutting the southeast corner of Lot 3 in conformance with City standards. Owner hereby agrees to, when deemed necessary by the City in conjunction with a public infrastructure improvements project, pay for its proportionate share of the costs of a future eight-inch-high pressure water main and appurtenances to be installed in 6th Street NW, and relocate its water service line to said main. Owner also agrees to, when deemed necessary by the City in conjunction with a public infrastructure improvements project, pay for its proportionate share of the costs of future improvements to 6th Street NW to local standard including pavement, curb, gutter, and sidewalk.

12. Limitation of Liability. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this Agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State and Federal requirements, and other applicable standards. The City's limited plan review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City's limited review or approval.

The Owner 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, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to the Subject Property described herein. Upon the transfer of ownership of the property, the prior owner

Attachment E

(whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost, is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the Owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

13. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present Owner, 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.



Meeting Date: May 14, 2024

**CITY OF GREAT FALLS
PLANNING ADVISORY BOARD / ZONING COMMISSION AGENDA REPORT**

Item: 2024 Memorandum of Agreement for the Great Falls Metropolitan Transportation Planning Process

Initiated By: Federal Transit Administration/MPO Staff

Presented By: Andrew Finch, Senior Transportation Planner

Action Requested: Approve Agreement

Suggested Motion:

1. Board Member moves:

“I move the Planning Advisory Board approve the 2024 Memorandum of Agreement for the Great Falls Metropolitan Transportation Planning Process.”

2. Chairman calls for a second, public comment, Board discussion, and calls for the vote.

Overview/Background

As required by Federal law, the Great Falls Metropolitan Transportation Planning Process is established through an agreement among the various local planning and governmental entities. In the Great Falls area, this includes the City of Great Falls, Cascade County, Great Falls Planning Advisory Board, Cascade County Planning Board, Great Falls Transit District and the State of Montana. The last agreement update was in 2018, and included minor changes to respond to additional Federal requirements as well as changes to the titles for staff representation.

Periodically, the State of Montana, the Metropolitan Planning Organization (MPO) staff, and the federal partners (Federal Highway Administration and Federal Transit Administration) review the agreement among the various entities involved in the Great Falls Metropolitan Transportation Planning Process. Due to a recent interpretation by the Federal Transit Administration (FTA), a minor modification to the Agreement is necessary. Additionally, the MPO staff has updated the titles of the various representatives for the Technical Advisory Committee (TAC) to reflect the most current attendees.

To ensure our Agreement is up-to-date and compliant with Federal regulations, a new agreement has been prepared and each participating agency is being asked to renew its commitment to the process. For reference, the paragraph added for Federal compliance is highlighted on the attached Agreement.

Staff Recommendation

Approve the 2024 Memorandum of Agreement for the Great Falls Metropolitan Planning Process.

Attachments/Exhibits: Memorandum of Agreement

MEMORANDUM OF AGREEMENT

GREAT FALLS METROPOLITAN TRANSPORTATION PLANNING PROCESS

THIS AGREEMENT is made and entered into by and between the STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION, hereinafter referred to as “STATE”, the CITY OF GREAT FALLS, hereinafter referred to as “CITY”, the COUNTY OF CASCADE, hereinafter referred to as “COUNTY”, the GREAT FALLS TRANSIT DISTRICT BOARD, hereinafter referred to as “TRANSIT BOARD”, the GREAT FALLS PLANNING ADVISORY BOARD, hereinafter referred to as “CITY PLANNING BOARD”, and the CASCADE COUNTY PLANNING BOARD, hereinafter referred to as “COUNTY PLANNING BOARD”.

WITNESSETH THAT:

WHEREAS, Title 23, Chapter 1, Section 134 of the United States Code, Title 23 Section 150, and Title 49, Chapter 53, Section 5303 of the United States Code require that a Metropolitan Planning Organization (MPO) be designated for each urbanized area with a population of more than 50,000 and, as a condition for the receipt of Federal highway and transit funds, that the metropolitan area have a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process that provides for consideration and implementation of projects, strategies, and services that consider all transportation modes and supports community development and sound goals that lead to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods; and,

WHEREAS, the parties to this Agreement desire to continue to cooperate in the transportation planning process now in progress and further desire to ensure that transportation planning is an integral part of continuing, cooperative and comprehensive planning; and,

WHEREAS, the parties to this Agreement desire to take a performance-driven, outcome-based approach to planning and programming linking investment decision making to the achievement of performance targets; and,

WHEREAS, the CITY PLANNING BOARD was designated in the December 6, 2005 agreement titled, “Cooperative Agreement – Great Falls Metropolitan Transportation Planning Process,” as the Metropolitan Planning Organization (MPO) by the Governor of the State of Montana and affected local units of government representing at least 75 percent of the population in the entire metropolitan area, including the largest incorporated city; and,

WHEREAS the STATE, CITY, COUNTY and TRANSIT BOARD recognize the CITY PLANNING BOARD as the officially designated MPO for the Great Falls urbanized area; and,

WHEREAS, the Policy Coordinating Committee (PCC) has been established as the official governing body of the Great Falls Metropolitan Transportation Planning Process, thus having final local approval of all Federal Surface Transportation Program-Urban Funded transportation projects in the Great Falls Metropolitan Planning Area, approval of the Metropolitan Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program; and,

WHEREAS, the TRANSIT BOARD operates a transit system and maintains responsibility for providing district residents with safe and reliable transit service, as well as implementing improvements to meet changing travel needs; and,

WHEREAS, Title 23, U.S.C., Section 104 (f) and Title 49 U.S.C., Section 5303 provide planning funds (PL and Section 5303) for the purpose of carrying out metropolitan transportation planning requirements of Section 134 of the Title 23; and,

WHEREAS, the STATE and designated MPO shall execute or cause to be executed separate agreements for the distribution of PL and Section 5303 funds; and,

WHEREAS, the STATE and designated MPO shall execute or cause to be executed separate agreements for the roles and responsibilities for air quality conformity and developing and sharing performance data, setting performance targets, reporting targets, and tracking progress towards meeting targets.

NOW, THEREFORE, BE IT RESOLVED that the parties hereto do mutually agree to:

1. Cooperatively carry out transportation planning and programming in the Great Falls Metropolitan Planning Area through the following established forum and process:

A. The Policy Coordinating Committee (PCC) shall manage the executive business of the Great Falls Metropolitan Transportation Planning Process and develop and keep current transportation planning in the Great Falls Metropolitan Planning Area. The PCC shall consist of the following officials:

Voting Members:

- Mayor or Commission Designee by and from the membership of the City of Great Falls City Commission
- Chairman or Commission Designee by and from the membership of the Board of Cascade County Commissioners
- Chairman or Board Designee by and from the membership of the Great Falls Transit District Board
- Chairman or Board Designee by and from the membership of the Great Falls Planning Advisory Board
- President or Board Designee by and from the membership of the Cascade County Planning Board
- District Administrator – Montana Department of Transportation

Non-Voting Members:

- Division Administrator – Federal Highway Administration

B. The Transportation Technical Advisory Committee (TAC) shall provide technical advice to the PCC and technical direction to and coordination of the metropolitan transportation planning staff concerning transportation planning. The TAC shall, at a minimum, consist of the following members or alternate designee:

Voting Members

- Manager – Great Falls Transit District
- Director – City of Great Falls Public Works Department
- City Engineer – City of Great Falls Engineering Division
- Civil Engineer – City of Great Falls Engineering Division
- Division Manager – City of Great Falls Street & Traffic Division
- Traffic Foreman – City of Great Falls Street & Traffic Division
- Director – City of Great Falls Planning & Community Development Department

- Senior Transportation Planner – City of Great Falls Planning & Community Development Department
- Environmental Health Manager – City-County Health Department
- Director – Cascade County Planning Department
- Planner – Cascade County Planning Department
- Director – Cascade County Public Works Department
- Superintendent – Cascade County Road & Bridge Division
- District Construction Operations Engineer – Montana Department of Transportation
- District Projects Engineer – Montana Department of Transportation
- Statewide and Urban Planner – Montana Department of Transportation
- Deputy Base Civil Engineer – Malmstrom Air Force Base
- Director – Great Falls International Airport Authority

Non-Voting Members

- Statewide and Urban Planner - Federal Highway Administration – Montana Division

C. A Citizens Advisory Committee may be established, at the discretion of the PCC, to act as a sounding board for proposals advanced by the TAC and PCC. Appointment to the committee shall be by the PCC.

D. Public Involvement. Procedures for obtaining public involvement will be adopted by the PCC. These procedures will describe methods to obtain additional local input in the planning process.

E. Transportation Planning Area. At a minimum, continuing, cooperative and comprehensive transportation planning will be conducted in that portion of the Great Falls area that is expected to become urbanized during any forecast period. Said area shall be referenced as the “Great Falls Transportation Planning Area.” Any transportation planning that may be conducted outside the transportation planning area will be determined by the TAC and approved by the PCC.

F. Scope of Services. The transportation planning process shall be:

- 1) Cooperative, in that, the STATE, COUNTY, CITY, TRANSIT BOARD and PLANNING BOARDS shall cooperatively accomplish the transportation planning process in response to the needs and changes occurring in the planning area.

The STATE, MPO and TRANSIT BOARD shall coordinate their respective targets for performance measurement to ensure consistency, to the maximum extent practicable. This includes, but is not limited to, identifying how performance-based planning provisions will be cooperatively implemented.

- 2) Comprehensive, in that, all elements affecting metropolitan area development and transportation shall be considered. These elements and requirements are described in various documents published by the U. S. Department of Transportation.

- 3) Continuing, in that, the planning process is intended to continue indefinitely and shall be maintained as long as this Agreement is in force.

The operational scope of the transportation planning process will generally involve conducting the following general activities:

- (a) Establish a coordinated process for the collection and sharing of performance data, the selection of performance targets, reporting targets, and tracking progress towards meeting targets for the metropolitan area.
- (b) Collect, maintain, analyze and disseminate basic planning information, financial information and plans, and engineering data to support the development of the metropolitan transportation plan, annual listing of projects and transportation improvement program.
- (c) Serve the public and private sectors, by providing current information concerning plans, programs, projects, recommendations and implementation schedules.
- (d) Prepare, update and revise long and short-range transportation plans to consider all transportation modes in the transportation planning area; develop transportation improvement programs for project implementation; prepare, update and revise a public involvement plan; and, conduct air quality conformity determinations, to the extent required, for new or revised transportation plans and improvement programs.
- (e) Prepare and distribute studies, reports, maps, plans, etc., for documentation and information purposes; participate in meetings, seminars, etc., at all levels of government; coordinate planning and plan implementation activities; and, conduct public information and involvement programs.
- (f) Research, investigate and develop estimating, forecasting and related planning procedures.

G. Work Program – An annual unified planning work program shall be prepared yearly by the MPO, which outlines the urban transportation and transportation related planning activities to be conducted within the planning area, regardless of funding sources. The unified planning work program shall include:

- 1) A brief discussion of program objectives and accomplishments, including performance targets, during the previous year; and
- 2) A description of major activities to be performed during the next year, the agency or entity to perform the work, the resulting products and a summary of the estimated total amounts and sources of federal and non-federal funds to be used to accomplish the major work activities during the next year.

2. Mechanisms governing this Agreement are as follows:

- A. Changes in Agreement – Any alteration, extension or supplement to the terms of this Agreement, as detailed herein, shall be agreed to, in writing, by the signatory parties.
- B. Bylaws – Both the PCC and the TAC shall adopt and comply with bylaws as are justified and warranted to enact the purposes of this Agreement.
- C. Term of Agreement – This Agreement shall be for a perpetual term unless changed as provided for in paragraph 2.A. above or terminated in the manner described as follows: Any party may terminate its interests and obligations under this Agreement by giving at least ninety (90) days’ notice, in writing, to the other parties.
- D. Previous Agreements – This Agreement supersedes previous Agreements between the STATE, CITY, COUNTY, PLANNING BOARDS and TRANSIT BOARD executed on June

24, 1964, October 12, 1971, December 19, 1972, June 27, 1978, July 1, 1981, March 9, 1983, April 17, 1997, December 6, 2005, and December 4, 2018.

IN WITNESS WHEREOF, the parties hereto have approved this Agreement on the dates indicated below.

APPROVED FOR CITY OF GREAT FALLS

ATTEST:

By _____
City Manager, City of Great Falls
Date: _____

By _____
City Clerk

APPROVED FOR COUNTY OF CASCADE

ATTEST:

By _____
Chairman, Board of County Commissioners
Date: _____

By _____
County Clerk & Recorder

APPROVED FOR GREAT FALLS TRANSIT BOARD

ATTEST:

By _____
Chairman, Great Falls Transit District Board
Date: _____

By _____
Manager, Great Falls Transit District

APPROVED FOR THE STATE

By _____
Division Administrator, MDT Rail, Transit, & Planning
Date: _____

By _____
Legal Counsel, Montana Dept. of Transportation

APPROVED FOR GREAT FALLS PLANNING ADVISORY BOARD

ATTEST:

By _____
Chairman, Great Falls Planning Advisory Board
Date: _____

By _____
Secretary, Great Falls Planning Advisory Board

APPROVED FOR CASCADE COUNTY PLANNING BOARD

ATTEST:

By _____
President, Cascade County Planning Board
Date: _____

By _____
Secretary, Cascade County Planning Board