



**Planning Advisory Board/Zoning Commission - January 24,
2023 Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
January 24, 2023
3:00 PM**

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, January 24, 2023 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

Kelly Buschmeyer

Julie Essex

Lindsey Gray

Pat Green

Samantha Kaupish

3. Staff Recognition
4. Approval of Meeting Minutes - January 10, 2023

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Annexation of the property addressed as 5123 7th Avenue North and legally described as Mark 17 in the SE ¼ of Section 4, T20N, R4 E, P.M.M., Cascade County, Montana; establishment of R-6, Multi-family High Density zoning for the newly annexed property and Zoning Map Amendment for the former Lots 9-19, Block 1 and Lot 9, Block 2 Cottage Grove Phase 3

Addition from PUD, Planned Unit Development, to R-6, Multi-family High Density; and Preliminary Plat for 8.88 acres of Discovery Meadows Apartments Addition.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

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
December 13, 2022

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Dave Bertelsen at 3:02 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:

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Planning Board Members present:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Julie Essex

Lindsey Gray

Samantha Kaupish

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Planning Board Members absent:

Kelly Buschmeyer

Pat Green

Planning Staff Members present:

Craig Raymond, Director Planning and Community Development

Tom Micuda, Deputy Director Planning and Community Development

Brad Eatherly, Planner II

Andrew Finch, Sr. Transportation Planner

Lonnie Hill, Planner II

Jamie Nygard, Sr. Administrative Assistant

Chastity Tarrow, Permit Technician

Other Staff present:

David Dennis, City Attorney

Mr. Raymond 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 December 13, 2022. Seeing none, the minutes were approved.

COMMISSION ACTIONS NOT REQUIRING A PUBLIC HEARING

Election of Officers for 2023

Mr. Bertelsen welcomed new Board member Julie Essex.

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MOTION: Dave Bertelsen to be reappointed as Chair of the Planning Advisory Board/Zoning Commission

Made by: Ms. Kaupish

Second by: Ms. Essex

Vote: All in favor, the motion passed 5-0

MOTION: Tory Mills to be reappointed as Vice Chair of the Planning Advisory Board/Zoning Commission

Made by: Ms. Kaupish

Second by: Ms. Essex

Vote: All in favor, the motion passed 5-0

PUBLIC COMMENT

None.

BOARD ACTIONS NOT REQUIRING A PUBLIC HEARING

Motion to Rescind the Zoning Commission's prior action resulting in a tie vote on the Zoning Map Amendment; reopen Commission and Staff discussion of the Zoning Map Amendment and Minor Subdivision, pertaining to Dick's Addition, Tract 2, Township 20 N, Range 3 East, Cascade County, Montana; present sufficient findings of fact supporting decision; and vote

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Mr. Raymond stated that at the last Planning Board meeting on December 13, 2022, there was some confusion on what the Board intended to do, versus what actually happened. The Board desired to table the Agenda Item for another meeting, but there was a vote taken on the floor to recommend approval of the project, which resulted in a 3-3 tie vote, which means the motion failed. Mr. Raymond stated that if the Board desired to move forward with the original motion, they would need to present Findings of Fact for their Basis of Decision, or they could rescind their original motion and open it back up for Brad Eatherly to present the remainder of the project and the next motions.

Motion: That the Zoning Commission rescind the Commissions prior action resulting in a tie vote on the Zoning Map Amendment

Made by: Mr. Mills

Second by: Ms. Kaupish

Vote: All in favor, the motion passed 5-0

Brad Eatherly, Planner II, presented to the Board. He summarized the request for a Zoning Map Amendment to rezone the property located at 1403 11th St SW from R-10, Mobile Home Park to R-6 Multi-family High Density and a Minor Subdivision to create two lots for Tract 2 of Dick's Addition.

Mr. Eatherly stated that the applicant is proposing a 513 unit apartment complex. The land use of Multi-family Residence requires a Zoning Map Amendment. The subject property is approximately 15.9 acres in total. Tract 2 is 14.8 acres and Tract 1, which is in the floodplain, is 1.1 acres. Tract 2 is proposed to be subdivided into two lots for the proposed apartment complex.

Mr. Eatherly presented a Zoning Map, Site Layout, and Photo of the Emergency Access.

Mr. Eatherly stated that the proposal requires a second access for emergency use only, according to the International Fire Code. The developers have been granted approval by the Montana Department of Transportation for emergency access off of 6th Street Southwest, where the River's Edge Trail is. The design has yet to be approved by the Montana Department of Transportation and the City. The design issues to be resolved are a median break in 6th Street Southwest, trail sharing space with emergency access, and making sure the drive/path conforms to the floodplain criteria.

Mr. Eatherly presented the Traffic Impact Study and a slide with the Level of Service Results.

Mr., Eatherly presented the Transportation Recommendations:

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- Stop signs on project access to 13th Avenue Southwest
- City to monitor traffic volumes at 14th Street Southwest and 13th Avenue Southwest for multi-way stop control
- Construction of a trail extension on the south side of Lot 1 to western property line
- Construction of the emergency access/egress onto 6th Street Southwest
- City to monitor speed and safety along 13th Avenue Southwest in response to voiced concerns

Mr. Eatherly presented the Conditions of Approval:

1. General Code Compliance: The project must be consistent with all codes and ordinances of the City of Great Falls and the State of Montana
2. Amended Plat: The Amended Plat must be provided including all utility easements and 20-foot trail easement
3. Land Use and Zoning: Development standards and land uses shall be consistent with the OCCGF
4. Subsequent modifications: Any proposals to modify the use, buildings or structures shall be reviewed by Planning and Community Development
5. Floodplain Consideration: Future development of Tract 1 must comply with all floodplain requirements
6. Emergency Access: Prior to issuance of a building permit for Tract 2, the applicant must receive approval from the MDT and the City of Great Falls for emergency access from 6th Street Southwest

Mr. Eatherly stated that at the regular meeting on December 13, 2022, Neighborhood Council #1 voted 3-1 in favor of recommending approval to the City Commission.

Mr. Eatherly stated that Staff recommends approval of both the Subsequent Minor Subdivision and the Zoning Map Amendment with the stated conditions of approval.

APPLICANTS PRESENTATION

Spencer Woith with Woith Engineering, 405 3rd Street Northwest, was there representing the applicant, presented to the Board.

Mr. Woith stated that the development will be called Rivers Edge Apartments.

Mr. Woith presented Aerial Photos, proposed Site Plan, Renderings, a photo of the underpass on 13th Avenue Southwest, and a photo of where the trail could be rerouted and maintained.

Mr. Woith stated that there will be 192 one bedroom, 185 two bedroom, 64 three bedroom, 72 studio apartments, rooftop patios, 374 indoor parking spaces, 433 surface parking spots, 64 individual parking garages, a pool, and clubhouse.

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Mr. Woith stated that they will try to maintain as many of the existing trees that they can.

Mr. Woith stated that the traffic is going to change but the functionality of the intersections will not change. Mr. Woith stated that issues with the ramp is in control of MDT and the Federal Highway. One thing that the City can do with increased traffic is to monitor and work with MDT to adjust the timing of the traffic lights.

BOARD QUESTIONS

Mr. Bertelsen asked about the drive-in lower level. Mr. Woith responded that people will enter on the end of the building.

Mr. Mills asked if the traffic count in the Traffic Study took in to account the RV Park that is currently in the location. Mr. Finch responded that it did.

Mr. Bertelsen asked for clarification on some of the numbers presented for the Traffic Study. Mr. Finch responded that what was presented was for projected future traffic. Mr. Bertelsen wanted to know what the current traffic was as compared to the projected. Mr. Finch responded with current and projected counts.

Ms. Essex asked why the intersection on 6th Street Southwest and 10th Avenue South was not in the Traffic Study. Mr. Finch responded that the further you get away from a development, the more disperse the traffic gets and it is harder to project which way the traffic will move. Mr. Finch stated that it is also a MDT maintained route. Any modifications to it are out of the City's hands and given the amount of traffic that already goes through the intersection, any traffic generated from the proposed development wouldn't affect the functionality of the intersection.

Ms. Essex asked if the proposed exit off of 6th Street Southwest will only be for emergency use. Mr. Eatherly responded that it will be only for emergency access.

Ms. Essex asked if there were any other apartment complexes in Great Falls that were of the size of the proposed development and only had one single entry point. Mr. Micuda responded that the proposed development is the largest in Great Falls. The next largest one will have two access points.

Ms. Essex wanted to know what would happen to the residents of Dick's RV Park if the project is approved. She was also concerned about the safety of the future residents of the proposed development and their ability to safely move in and out of the complex.

Ms. Essex stated that an email was received, prior to the meeting, from someone in the public that stated that the projected growth in Great Falls is going to be up 1.1% in 2026. The population in 2020 was 84,414 according to the 2020 census, so the growth projected would only be 840 people. The true housing drought is being caused by people moving into the area with cash that are purchasing homes on the lower end of the scale which could be purchased by people on the lower income side and the true need for housing is on the lower income grouping.

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She stated that the proposed development is not addressing either of the concerns with housing. She stated that most upper income residents do not desire to live in apartments nor would they want to live in an apartment where Dick's RV Park is.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommend the City Commission approve the Zoning Map Amendment as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Mills

Second: No second made

MOTION: That the Planning Advisory recommend the City Commission deny the Minor Subdivision as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Gray

Second: Ms. Essex

The motion was amended by Ms. Gray.

MOTION: That the Zoning Commission recommend the City Commission deny the Zoning Map Amendment as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Gray

Second: Ms. Essex

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Ms. Essex is concerned about people being displaced if the project moves forward. She stated that there is going to be modest growth in Great Falls. The Touro Medical College is building two apartment buildings for students coming into the City. The housing issue is people moving into the area with cash and it drives up the price of the surrounding homes which makes housing unavailable for lower income residents. Ms. Essex believes the new development will not be in the public interest.

Mr. Bertelsen stated that he concurred with Ms. Essex and stated that the City understands that there is an issue with the Exit there and knows that MDT is responsible for the Exit. The intersection at Fox Farm and 6th Street Southwest should have been included in the Traffic Study.

Ms. Gray agreed about the project not being in the public interest and the traffic concerns. She also stated that she was concerned that it is the largest apartment complex in Great Falls and only has one entry point.

Ms. Bertelsen stated that the Board is pro-development. There will be five structures that are 60 feet tall and that will be the first thing that people see when they come into town. He stated that there could be something better to develop at the site which would be more of a public interest.

Mr. Mills stated that it is setting a precedence that if any development happens again and it gets a C rating, through the intersection, it should just be denied.

Mr. Bertelsen responded that he doesn't believe that a C rating is a definite denial of a permit, but he thinks that in looking at the big picture, it will become an issue.

Mr. Mills asked how many trailers could be put into the trailer park, as it sits currently. Mr. Micuda responded that 140 mobile homes could be there. For a campground, there is no limitation by zoning.

Ms. Essex stated that the RV Park is housing employees from Calumet.

Ms. Essex stated that a lot of the people that are currently living at the RV Park have pets and a lot of apartments do not allow pets.

Mr. Bertelsen stated that the main findings of fact that the Board is offering up for denial of the Zoning is public safety, best interest of the city, and traffic.

PUBLIC COMMENT

Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, stated that he was appalled by the Boards discussion. It is a Zoning decision and Subdivision decision and should be based on Findings of Fact, not design review. The developer paid all of the money for the

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Traffic Study and the Board is saying that they do not believe in the Traffic Study. Mr. Doney stated that they are under tremendous budget pressures in the City. The Concorde Group Study that was commissioned, showed a tremendous need for more housing at all price points. He stated that the City Manager has mentioned several times, with the cost pressure on the City, the importance of developing density. The action that the Board is taking will have an impact on so many more developments. The Board should be acting with Findings of Fact.

Shannon Wilson, 1201 6th Avenue South, stated that she has concerns with traffic in such a tight space and thinks it is optimistic. She stated that the City does not need any more overpriced, high density, apartments. There needs to be a destination for RVs coming into the area. She stated that it is not pro-business as Dick's RV is so busy that they are turning people away. She stated that Meadowlark Elementary is at capacity, so where will the children go to school.

Donna Williams, 2916 2nd Avenue North, stated that she is concerned for pedestrians walking under the underpass. There will be children that will be riding their bikes there as well. People are going to walk to Market Place from the proposed development. She stated that there will be a conflict, unless the City commits to installing sidewalks and safe walkways in the area.

Joe McMillan, 3405 8th Avenue North, he stated that if there are more places to rent in Great Falls then housing prices and rent will lower. The development will also bring jobs to the community.

Spencer Woith, Woith Engineering, stated that the Development team did not hire the Traffic Engineer. It was contracted by the City of Great Falls. The Traffic Study information that states that everything is a grade A or B is being ignored by the Board. There were metrics that were put forward that needed to be met and they were met, but as a developer he is frustrated that he does not know when bringing a project forward, what is going to be required by the Board. He stated that there is an extreme housing demand in Great Falls. He also stated that the apartment complex will be pet friendly and that if there is a demand for an RV Park, then someone else will build an RV Park.

Michelle Dick, 47 Stone Mill Road, stated that she worked at the RV Park for over 17 years and the roads are always congested. She stated that the City blocked off the emergency entrance in 1996 because there was so many accidents coming from the Beacon Bar.

BOARD DISCUSSION AND ACTION

Mr. Micuda stated that staff advised the Board to accept some staff Findings based on the Board's discussion. Criterion #5, which is how the Amendment relates to public health safety and wellness, is probably the most relevant to the discussion by the Board.

Mr. Micuda read what should be entered into the recommendation:

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The proposed Zoning Map Amendment will create negative public safety issues due to the traffic impacts associated with the high density development with only one point of access onto 13th Avenue Southwest.

Ms. Gray agreed to the statement.

Ms. Essex agreed to the statement.

Mr. Mills asked if the Zoning Map Amendment is denied, could the owner file a lawsuit against the City. Mr. Raymond stated that the Planning Advisory Board/Zoning Commission is just giving a recommendation and it could still go to the City Commission and get approved.

Mr. Raymond stated that things are changing in the industry rapidly and if the community is going to grow, there are going to be a few things that people will have to come to terms with and one of them is traffic. Density in and of its self will change as well. Mr. Raymond stated that there is some Legislation that is coming forward stating that any Residential Zoned property, no matter where it is, would be required to accept multi-family development.

Mr. Bertelsen stated that the City probably needs the proposed development.

Ms. Kaupish asked if there was an evacuation plan, if there was a flood, because there is only one egress. Mr. Raymond responded that it would be up to the community and the residents. He stated that there is the secondary emergency access on 6th Street Southwest in the event of an emergency.

Ms. Gray asked if she could amend her motion to approve instead of deny. Ms. Gray withdrew her previous motion.

MOTION: That the Zoning Commission recommend the City Commission approve the Zoning Map Amendment as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Kaupish

Second by: Mr. Mills

VOTE: 4-1, Motion passed

MOTION: That the Planning Advisory Board recommend the City Commission approve the Minor Subdivision as legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.

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Made by: Ms. Kaupish

Second: Mr. Mills

VOTE: 4-1, Motion Passed

PUBLIC COMMENT

None.

BOARD ACTIONS REQUIRING A PUBLIC HEARING

Annexation of Tract 1 of Certificate of Survey NO. 5337 Located in the NW ¼ of Section 3, T20N, R3E, P.M.M., Cascade County, Montana; and establishment of City zoning classification M-2 Mixed Use Transitional

Lonnie Hill, Planner II, presented to the Board. He stated that the application is from the Little Shell Tribe requesting annexation and M-2 Mixed-Use Transitional zoning for 1301 Stuckey Road. He stated that the subject property is 3.684 acres and that the current use is for miscellaneous storage. The applicant is proposing to connect to City water and sewer for the use of cold storage for the Tribe member's groceries, with a potential for other development in the future. Tiny homes are being researched for the area.

Mr. Hill presented an Aerial Map, Zoning Map, Site Photo, and Proposed Site Plan.

Mr. Hill stated that as part of the Annexation, staff looks at what improvements are required. Water and sanitary connections and access and fire protection are required. He also stated that based on the frontage length, the applicant is required to pay reimbursement costs to the City of Great Falls in the amount of \$45,487.54.

Mr. Hill presented the Findings of Fact/Basis of Decision for Annexation:

- The subject property is contiguous to City limits
- The adjacent portion of Stuckey Road is already annexed into the City
- It is consistent with the City's Growth Policy: Promotes orderly development and the rational extension of infrastructure and City services.
- The Little Shell Tribe is proposing the use of cold storage for groceries for tribe members.
- The surrounding zoning districts in the area include I-1 Light Industrial and M-2 Mixed-

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Use Transitional.

- Staff determined that the most fitting zoning districts for the Little Shell Tribe's parcel is M-2 Mixed-Use Transitional.

Mr. Hill stated that staff recommended approval of both the annexation and the assignment of M-2 Mixed-Use Transitional zoning for the subject property with the conditions of approval listed in the staff Agenda Report.

APPLICANTS PRESENTATION

Justin Stefanik, LJ Engineering, Helena Montana, stated that the cold storage facility would not be for people to come pick up groceries, but a place to store the groceries until they can be moved to locations throughout the city for people to pick up from there. He stated that the Tribe has done a lot of clean up at the property. Mr. Stefanik also stated that tiny homes were not being proposed currently, but it is in the works.

Don Davis, Council and project superintendent, asked if there was a statute of limitations for sewer and water. Mr. Raymond stated that there is not a sunset clause, so the reimbursement is required by the Tribe.

BOARD QUESTIONS

Ms. Essex asked if the tiny homes would be considered mobile homes or on permanent foundations. Mr. Raymond responded that the question was in purview of the Board.

Ms. Essex asked if under the M-2 Mixed Use Transitional zoning, if tiny homes on wheels would be permitted. Mr. Raymond responded that the question would not be a Planning Board matter.

PROPENANTS

Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, stated the water and sewer was a partnership when the expansion of Montana Egg happened a little over of a decade ago and the City water and sewer account paid to extend it up the bypass, then Montana Egg was built into the project financing, to extend it down Stuckey Road. The agreement was. as projects would come in and hook to the water and sewer, then they would reimburse the City for their share.

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Mr. Doney stated that he was delighted to have the Little Shell Tribes headquarters in Great Falls and that they have really improved the property.

OPPONENTS

None.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board recommend the City Commission approve the annexation of the subject property as legally described in the Staff Report and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

Made by: Mr. Mills

Second: Ms. Gray

VOTE: All in favor, the motion passed 5-0

MOTION: That the Zoning Commission recommend the City Commission approve the establishment of City zoning classification M-2 Mixed-Use Transitional for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact.

Made by: Ms. Gray

Second: Ms. Essex

VOTE: All in favor, the motion passed 5-0

COMMUNICATIONS

Mr. Raymond stated that there will be one Agenda Item for the January 24, 2023 meeting for an Annexation Zoning and a Major Subdivision for Discovery Meadows.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 5:15 p.m.

CHAIRMAN

SECRETARY



Meeting Date: January 24, 2023

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

- Item:** Annexation of the property addressed as 5123 7th Avenue North and legally described as Mark 17 in the SE ¼ of Section 4, T20N, R4 E, P.M.M., Cascade County, Montana; establishment of R-6, Multi-family High Density zoning for the newly annexed property and Zoning Map Amendment for the former Lots 9-19, Block 1 and Lot 9, Block 2 Cottage Grove Phase 3 Addition from PUD, Planned Unit Development, to R-6, Multi-family High Density; and Preliminary Plat for 8.88 acres of Discovery Meadows Apartments Addition.
- Initiated By:** Discovery Meadows, Inc.
- Presented By:** Brad Eatherly, Planner II, 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:

I.

A. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (approve/deny) the annexation of the property legally described in the Staff Report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

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

II.

A. Commission Member moves:

“I move that the Zoning Commission recommend the City Commission (approve/deny) the establishment of R-6 Multi-family High Density zoning for the newly annexed property as legally described in the Staff Report, and (approve/deny) the Zoning Map Amendment of lots 9-19, Block 1, and Lot 9, Block 2, Cottage Grove Phase 3 Addition, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

B. Chairman calls for a second, commission discussion, and calls for the vote.

III.

A. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (approve/deny) the preliminary plat of Discovery Meadows Apartments as legally described in the Staff Report, and the accompanying findings of Fact, subject to the Conditions of Approval being fulfilled by the applicants.”

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

Background:

In March of 2008, the City Commission approved the third phase of a subdivision known as the Cottage Grove Addition. The subdivision was developed as a Planned Unit Development (PUD) specifically to allow for smaller lot sizes. As of the writing of this report, only eight of the twenty-seven lots have been developed. The owner of the undeveloped lots is proposing to rezone and aggregate the vacant lots in the subdivision in order to allow the property to be used as part of a 252 unit apartment complex. The total land area to be considered is approximately 8.88 acres. However because of a dedication of a portion of the property to public right-of-way, the total acreage to be developed will be approximately 8.32 acres.

The applicant is requesting a right-of-way vacation for 50th Street North. Based off of this vacation, the lots that abut the vacated right-of-way will be aggregated with the former 50th Street North to form one lot. The applicant will be required to provide an amended plat for Lots 7-19 of Block 1 and Lots 7-9 for Block 2 of Cottage Grove Phase 3 Addition. Although the Planning Board will not hear this request, the information is vital to understand the other requests the applicant is making. The right-of-way vacation and the amended plat will be heard by the City Commission.

Annexation by Petition Request

Discovery Meadows, Inc., submitted an application to the City of Great Falls to annex and assign City zoning to the 6.63 acre property addressed as 5123 7th Avenue North and located at the northwest corner of 7th Avenue North and 52nd Street North. The applicant proposes development of an apartment complex consisting of six 42-plex buildings for a total of 252 units. The project is likely to be built in phases beginning in the southeast corner of the subject property. The development will also include the leftover lot from the amended plat of Cottage Grove Phase 3 Addition.

The subject property is bordered by the City on three sides, with only the north property line bordered by a property outside the City limits. The subject properties to the west are single family residences in the Cottage Grove Phase 3 Addition. The properties to the south are single family residences in the Portage Meadows Addition. To the east, lies the Siebel Soccer Fields. To the north, outside of the City limits, is Heritage Baptist Church. While the subject property is roughly 6.63 acres in size, the applicant is dedicating approximately 0.55 acres to widen the right-of-way on 52nd Street North so it can be reconstructed to /city standards.

The basis of 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 *Findings of Fact/Basis of Decision – Annexation by Petition*. Staff supports the annexation request based on the following reasons: 1) the property is contiguous to City limits on three of four sides, 2) the applicant will be reconstructing both 52nd Street

North and 7th Avenue North to City standards, and 3) all City utilities are situated in to rights-of-way abutting the property and can be extended by the applicant.

Establishment of Zoning and Zoning Map Amendment

The applicant's request to establish R-6 zoning on the subject property meets specific goals and objectives within the City of Great Falls Growth Policy, including encouraging a diverse, safe, and affordable supply of housing in the City. This project will substantially expand the supply of apartment residential opportunities and encourages a variety of housing types and densities so that residents can choose by price or rent, location and place of work. The property also is conveniently located near Malmstrom Air Force Base as well as a large City park.

The applicant is also requesting to rezone the former Lots 9-19 of Block 1 and Lot 9 of Block 2 of Cottage Grove Phase 3 Addition that are being incorporated into the new Discovery Meadows Apartments Addition from Planned Unit Development (PUD) to R-6. This zoning Map Amendment will allow the applicant to build the proposed 252 unit apartment complex.

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 criteria which are attached as *Findings of Fact/Basis of Decision – Zoning Map Amendment*. As noted earlier in the agenda report, the lots in this subdivision are all controlled by the applicant and have been vacant for fifteen years. Because of these conditions, it is reasonable to consider rezoning the properties for higher density development.

Required Improvements

Water Main Improvements. The applicant will be required to extend a looped eight inch main through the development and connect to the existing water mains as shown on the proposed Site Plan. The improvement is to be owned and maintained by the City upon completion.

Sanitary Sewer Main Improvements. All buildings shall be served by sanitary sewer as shown on the proposed Site Plan. The construction of the sewer main is the responsibility of the applicant. Any portion of sewer main located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be owned and maintained by the City upon completion.

Roadway and Sidewalk Improvements. The applicant shall be responsible for constructing curbing sidewalk and boulevard landscaping along the west side of 52nd Street North and curbing along the east side of 52nd Street North. The applicant will provide a Geotechnical Report to support the design of the 52nd Street North roadway pavement section, and agrees to convert the existing gravel road to a paved facility meeting City standards. The applicant will construct and/or reconstruct curbing, sidewalk, and boulevard landscaping along the north side of 7th Avenue North. All boulevard improvements on the west side of 52nd Street North and north side of 7th Avenue North shall be maintained by the owner of the property. The applicant is required to construct the sub-base course for the northern 8-12 foot portion of 7th Avenue North. The applicant will also be responsible for providing a crosswalk on the north end of the intersection of 52nd Street North and 7th Avenue North to create a pedestrian connection to the City's Siebel Soccer Fields Facility. The City will be responsible for reimbursing the applicant for half of the roadway improvements made to 52nd Street North. The City is also responsible for painting the curbs and installing "No Parking" signs along the east and west sides of 52nd North. Lastly, the City will be responsible for paving the north 8-12 foot section of 7th Avenue North.

Preliminary Plat

Presuming the City Commission approves the amended plat that aggregates the Cottage Grove Phase 3 Addition lots along with the vacated right-of-way, the applicant will finalize a major subdivision of the newly annexed property and the previous Cottage Grove Phase 3 Addition lots. The applicant is proposing to subdivide the two lots into seven lots. The lots range in size from 30,977 square feet to 93,277 square feet. The proposed lots are consistent with the R-6 zoning district standards.

Neighborhood Council Input:

Neighborhood Council #4 held a special meeting to discuss the applicant's request on December 15, 2022. The council voted 3-0 in favor of recommending approval to the City Commission.

Concurrences:

Representatives from the City's Public Works Department and Park and Recreation Department have been involved throughout the review and approval process for this project. In particular, Public Works staff collaborated with the applicant on the attached Annexation Improvement agreement.

Fiscal Impact:

Because the City owns the property east of 52nd Street North, the City's Public Works Department will be responsible for paying for half of the roadway improvements to the street. This includes painting the curbs and installation of "No Parking" signs. The Department will also be responsible for the cost of paving the northern 8-12 feet of 7th Avenue North. However, improvements to the west portion of 52nd Street North, the sub-base course of the north 8-12 feet of 7th Avenue North, the crosswalk across the intersection of 7th Avenue North and 52nd Street North to the Siebel Soccer Fields, and the improvements to the water and sanitary sewer mains will be incurred by the developer. The annexation of the property will increase the City's tax base as well.

Staff Recommendation:

Staff recommends approval of the annexation, zoning map amendment and establishment of R-6 zoning and the preliminary plat with conditions.

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. **Annexation and Development Agreement.** The applicant shall abide by the terms and conditions specified in the attached Annexation and Development Agreement for the subject properties. The Annexation and Development Agreement must be signed by the applicant and recorded with the Cascade County Clerk and Recorder's Office.
3. **Land Use & Zoning.** The development standards and land uses for the subject properties shall be consistent with the Official Code of the City of Great Falls (OCCGF).
4. **Subdivision Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
5. **Utilities.** The extension and connection of on-site utilities for the subject properties shall be approved by the City Public Works Department.

Alternatives:

The Planning/Advisory Board/Zoning Commission could recommend denial of the annexation and establishment of zoning to the City Commission. For these actions, Planning Advisory Board/Zoning Commission must provide alternative Findings of Fact/Basis of Decision for the denial of annexation and establishment of zoning.

Attachments/Exhibits:

Findings of Fact – Annexation

Findings of Fact – Zoning

Findings of Fact – Preliminary Plat

Aerial Map

Zoning Map

Annexation Narrative

Rezone Narrative

Site Plan

Preliminary Plat

Draft Improvement Agreement

FINDINGS OF FACT/BASIS OF DECISION – ANNEXATION

Annexation of approximately 6.63 acres located in Mark 17 within the SE of Section 4, T20N, R4E, PMM, 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 on the west, south, and east.

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. This project is strongly supported by the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a diverse, safe, and affordable supply of housing in the City and 2) encourage a balanced mix of land uses throughout the City.

Additionally, the annexation specifically supports the following goals and policies:

Social – Housing

- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.
- Soc1.4.12 When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Physical - Efficient Infrastructure

- Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.
- Phy4.3.2 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 #4. There is no adopted neighborhood plan for Neighborhood Council #4, or any other Council within the City. The application was presented to Neighborhood Council #4 on December 15, 2022. The Council voted 3-0 to recommend approval to the City Commission

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 improvements related to the development are consistent with City planning documents and City standards.

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

The City Public Works Department has verified that capacity is adequate to provide public utility services to the subject property. A more detailed description of the various public utility services that will be provided to the development has been outlined in the Agenda Report as well as in the Improvement Agreement. Due to the property being surrounded by the City on three sides, providing law enforcement, fire protection, and other emergency services is expected to be a manageable cost to the City.

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

As part of the proposed annexation, the property is required to be developed to City standards. Water and sewer mains will extend through the project and will be designed and installed to City standards. Any future improvements to the subject property will also comply with City code requirements.

7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) 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.

An Improvement Agreement for the subject property has been drafted and attached to the Agenda Report. This agreement outlines the responsibilities and costs 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 is being surveyed and that survey will be officially recorded with the County Clerk and Recorder as part of the requirements of the project.

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.

Water and sewer service will be extended through the subject property as part of the required improvements. The subject property will connect to these mains for City services.

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.

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 subject property is located within Cascade County and is currently undeveloped. Existing single-family residential homes within the City are located to the west and south and the City's Siebel Soccer Field Facility is located to the east.

Findings of Fact – Zoning Map Amendment

Lot 9A, Block 1, Cottage Grove Phase 3 Addition, SE ¼ of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and Mark 17, located in the SE 1/4 of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana.

Primary Review Criteria:

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 following criteria:

1. The Amendment is consistent with and further the intent of the City’s growth policy.

The proposed zoning map amendment is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposal to amend the zoning of the proposed property from PUD, Planned Use Development, to R-6, Multi-family, High Density, as well as the establishment of R-6, zoning for the annexed property will allow the applicant to construct an apartment complex. A land use of Multi-family residential is not allowed in the established PUD zoning district. This will allow 252 apartment units to be built at a time when the City of Great Falls is in need of additional housing units.

As noted in the agenda report, the Zoning Commission must consider whether there is policy rationale for amending the zoning map as requested. Staff believes that the City’s Growth Policy supports the proposed zoning map amendment to facilitate more dense development, particularly to provide much needed housing. The zoning amendment request is consistent with several of the Plan’s policies including:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

Environmental - Urban Form

- Env2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential, as candidates for redevelopment in the City.

The proposed zoning map amendment will enable these policies to be addressed and further the implementation of the Growth Policy.

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. Notice of the proposed zoning map amendment was also sent to

adjoining property owners pursuant to the noticing requirements of the OCCGF. City staff has not received any comments on the proposed zoning map amendment. The request was also discussed at the December 15 Neighborhood Council #4 meeting, and the Council voted 3-0 to recommend approval to the City Commission.

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 does not lie within any adopted planning or sub-area planning areas. The proposed improvements to both 7th Avenue North and 52nd Street North are consistent with the City's Long Range Transportation Plan.

4. The code with the amendment is internally consistent.

The proposed zoning map amendment is not in conflict with any portion of the existing City Code. All pertinent codes required for development of the subject property will be addressed during the building permit review. The proposed site plan for the multi-family use shows that the project can meet all parking, landscaping, and setbacks required in code. As a result, the proposed zoning map amendment is internally consistent and will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values in the neighborhood.

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 this property. The future apartment building project will require water and sewer to be extended from the mains that surround the property. Adequate storm water designs will be incorporated into the site as development occurs.

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 enforce the amendment if it is approved. The zoning map amendment will affect the subject property only, and the property will be developed in a manner consistent with Title 17 of the Official Code of the City of Great Falls.

FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

Preliminary Plat of Discovery Meadows Apartment Addition, located in SE ¼ of Section 4 Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, MT

(PREPARED IN RESPONSE TO 76-3-808(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities:

The properties proposed for subdivision are not currently being used for agricultural purposes. The subject property is located in an existing developed area. There is not an agricultural water user facility in the area that the proposed development will impact. A portion of the the subject property is in the City limits in a developing neighborhood, and the subdivision does not interfere with agricultural operations in the area.

Effect on Local Services:

The lots in the subdivision will connect to City water and sewer mains. The Owner will pay the cost of connecting to these utility mains. The Owner of the subdivision will pay regular water and sewer charges, and monthly storm drain charges.

The existing properties currently have law enforcement and fire protection service from the City of Great Falls. Providing these services to the subdivision is expected to be a manageable cost to the City.

Through the subdivision, the Owner is dedicating 30 feet to widen the 52nd Street North right-of-way. The Owner agrees to construct 52nd Street North to the standards set forth by the City of Great Falls as well as the base-course of the north 8-12 feet of roadway for 7th Avenue North. The Owner agrees to construct curb and gutter on both sides of 52nd Street North and the north portion of 7th Avenue North. Design and installation shall be consistent with City standards and submitted plans approved by the City of Great Falls.

Effect on the Natural Environment:

The subdivision is not expected to adversely affect soils or water quality or quantity of surface or ground waters. Surface drainage from the subdivision will be detained to reduce its rate and then flow to an existing storm system. Future stormwater management will be reviewed and must be approved by the Public Works Department.

Effect on Wildlife and Wildlife Habitat:

There is existing development to all sides, and this is not in an area of significant wildlife habitat beyond occasional grazing deer or migrating fowl. This subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety:

Based on available information, the subdivision is not subject to abnormal potential natural hazards such wildfire, avalanches or rockslides; nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity. There are poor soils in this area of Great Falls, but this will be mitigated by the construction of large foundations for the future multi-family buildings.

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.

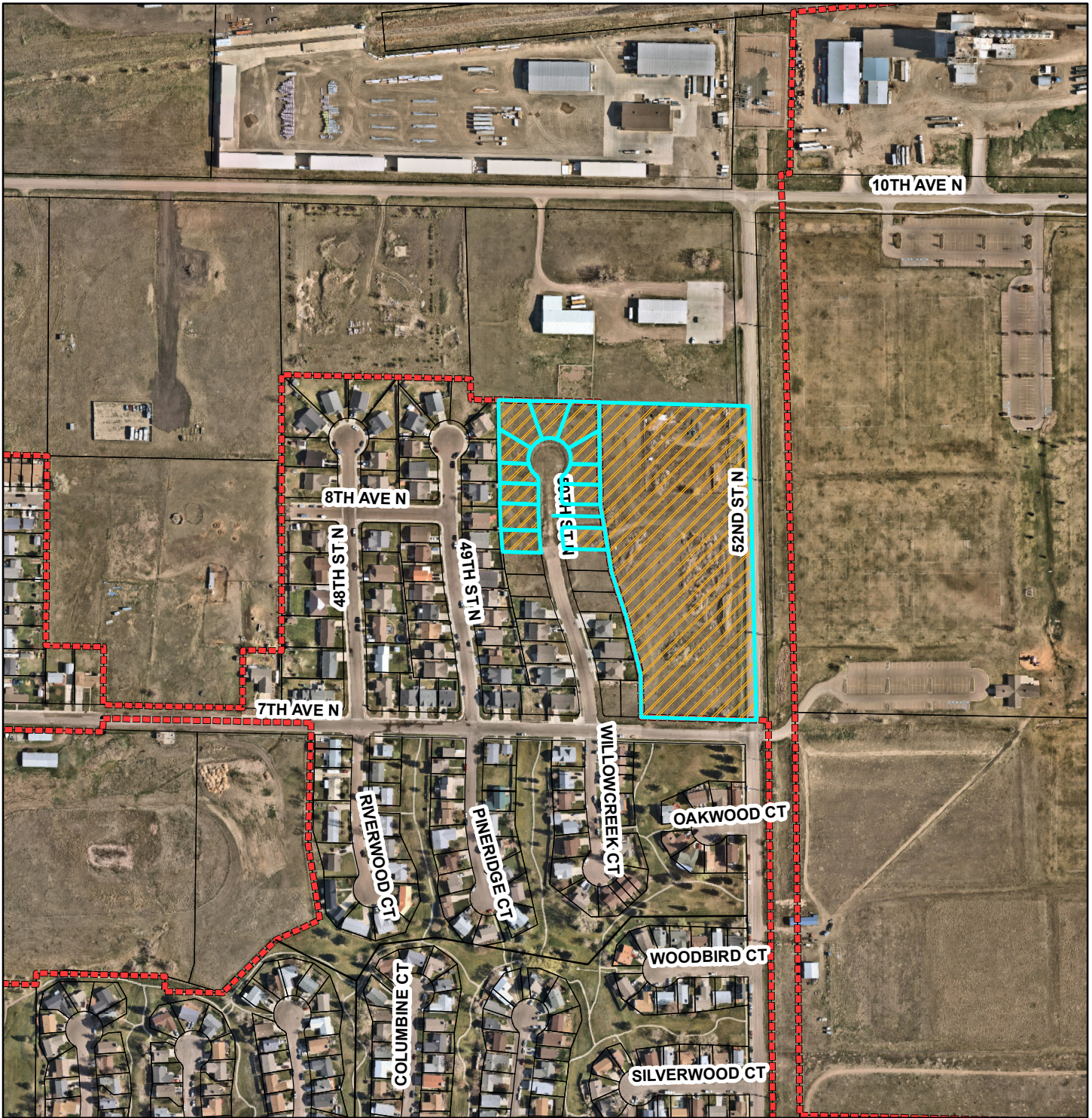
EASEMENT FOR UTILITIES

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains, storm water mains, and private utilities to serve all lots of the subdivision.


LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed development will be from 7th Avenue North and 52nd Street North.

Aerial Map

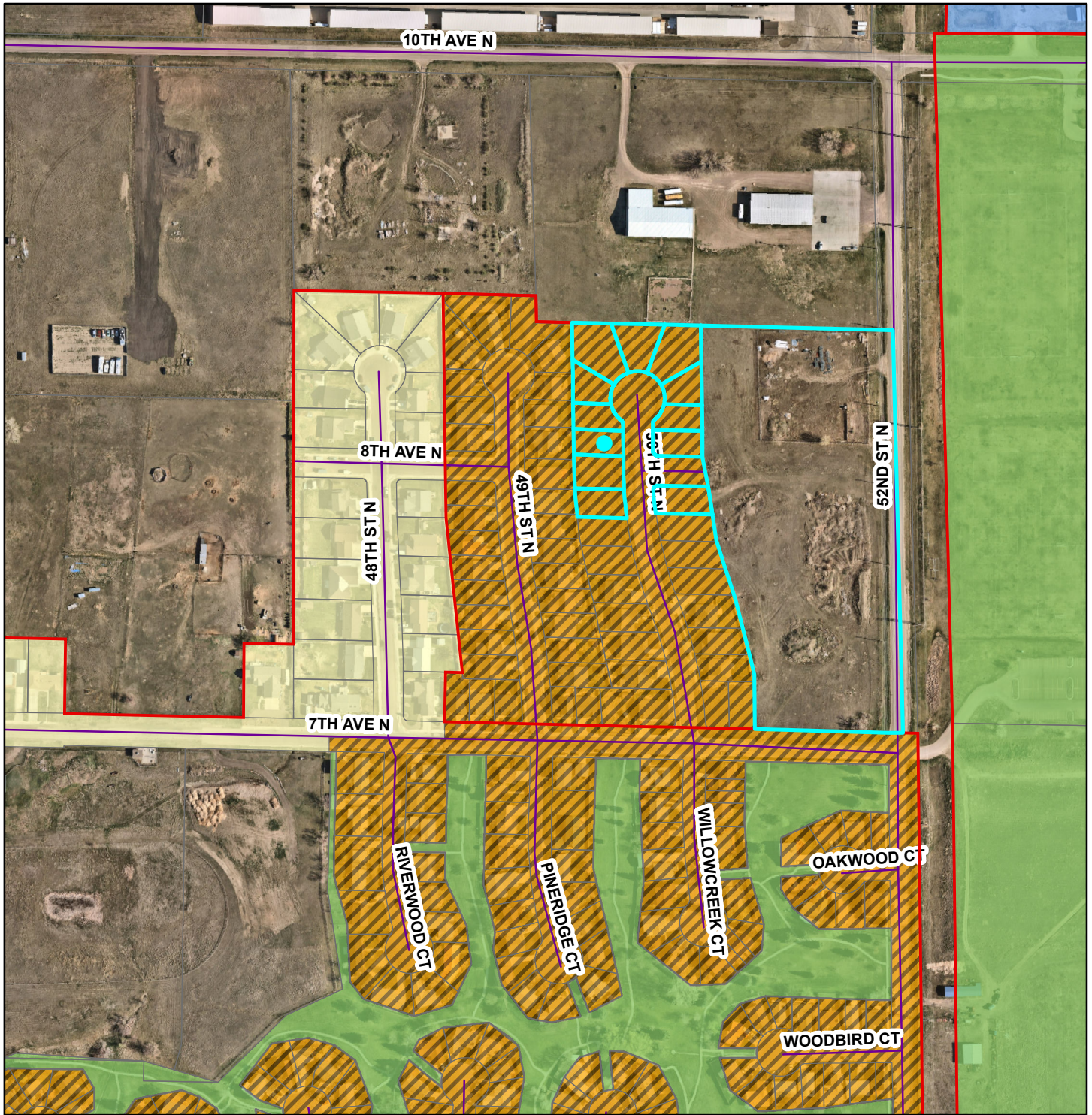


 Parcel selection

 City Limits

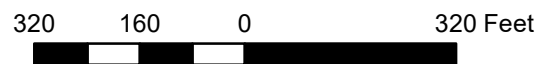


ZONING MAP



Legend

- R-3 Single-family High Density
- PUD Planned Unit Development
- I-2 Heavy Industrial
- POS Parks and Open Space
- U Unincorporated Enclave



N



LAND USE APPLICATION SUBMITTAL
Discovery Meadows Apartments
September 20, 2022



The following headings follow the “Land Use Application Checklist” that was determined to be required for submittal from the City of Great Falls Planning and Community Development Department. The checklist was supplied to Woith Engineering on May 9th, 2022. See Appendix A for the signed Land Use and Right of Way Vacation Checklist.

1. ANNEXATION BY PETITION

1.A. AERIAL EXHIBIT

See Appendix B.

1.B. NARRATIVE OF THE PROPOSED PROPERTY

The following narrative is intended to better describe the intent and preliminary design details of the Discovery Meadow Apartments.

Discovery Meadow Apartments located in northeast, Section 04, Township 20 North, Range 04 east, P.M.M. City of Great Falls, Cascade County, Montana. The proposed multi-family development will occur at the corner of 52nd Street North and 7th Avenue North and will be adjacent to the current Cottage Grove Phase 3 Subdivision, which will be amended per this submittal. The proposed 8.9 acre development is proposing to be zoned to R-6 Multi-Family High Density as described in Section 3.

Discovery Meadows Apartments will include a 252 total unit multi-family complex divided into six 42-plex buildings. Each building will be three total stories. On site will also be a clubhouse to be used as central core for the tenants of this proposed development with indoor and outdoor amenities. All parking will be onsite and will conform to the City of Great Falls standards. The current location of the platted cul-de-sac in Cottage Grove Phase 3 will be shifted to the south down 50th Street North. This cul-de-sac is currently not built and will be constructed once the Cottage Grove Phase 3 Subdivision is amended.

Utility improvements include the extension of both nearby water and sanitary sewer. Water will be extended up the 52nd Street North Right of Way to the northern property line of the development. Water will then be looped throughout the development as noted in Appendix B. Sanitary sewer will be fed from the current Cottage Grove Phase 3 Subdivision system that is stubbed to the west and northwest side of the current property. See Appendix B for further detail on the sanitary sewer system. All water and sanitary sewer main extensions will comply with the City of Great Falls Standards for Design and Construction along with any additional utility extensions requests made by the City of Great Falls Engineering and Public Works Department.

LAND USE APPLICATION SUBMITTAL
Discovery Meadows Apartments
September 20, 2022



Stormwater throughout the development will be stored and treated with an onsite detention pond on the west side of the property. This pond will then discharge into the existing stormwater pipe that is stubbed to the west side of the property from the Cottage Grove Phase 3 Subdivision. This detention pond along with other onsite stormwater features will handle both the quality and quantity aspects of the City of Great Falls Storm Drainage Design Standards.

2. PRELIMINARY PLAT MAJOR SUBDIVISION (TABLE 1)

2.A. PRELIMINARY PLAT

See Appendix C for the preliminary plats that will be associate with this project. Two plats will be used, the first amended plat will amend the currently platted Cottage Grove Phase 3 Subdivision, the second will create the Discovery Meadows Major Subdivision.

2.B. CONCEPTUAL PLANS FOR PUBLIC INFRASTRUCTURE

See the Site plan in Appendix B.

2.C. PRELIMINARY SOILS/GEOTECHNICAL INFORMATION

See Appendix D.

2.D. ESTIMATED WATER AND WASTEWATER DEMAND/DISCHARGE

Water Discharge:

The average daily demand, including domestic demands and irrigation demands, was calculated based on the following assumptions:

Domestic: 100 gallons per day (as per DEQ 4)

Irrigation: two inches per week during the summer months (June-August). Assuming all of landscaped area is irrigated.

The average daily domestic demand is calculated as follows:

Projected Max Number of Tenants: 144 two-bedroom and 108 studio (assuming 2 tenants per unit)

Projected Max Number of Tenants: $(144 \times 2) + (108 \times 2) = 504$ Tenants

$D_{DOM} = 504 \text{ residences} \times 100 \text{ gpd} = 50,400 \text{ gpd}$

2.E. PRELIMINARY DRAINAGE PLAN

See the Site Plan in Appendix B.

2.F. SPECIAL FUNDING PROPOSAL

There are no special funding proposals for the public infrastructure on this proposed development.

2.G. PRELIMINARY EASEMENTS

See the Preliminary Plats in Appendix C.

3. ZONING MAP AMENDMENT (TABLE 3)

3.A. AERIAL EXHIBIT

See the Site Plan in Appendix B.

3.B. NARRATIVE OF THE REZONE

The proposed development will be comprised of both a portion of the current Cottage Grove Phase 3 Subdivision and the 6.58 acres of vacant land to the east that is currently not annexed into the City and sits within Cascade County. The current zoning of Cottage Grove Phase 3 is a Planned Unit Development (PUD), along with the previous phases of Cottage Grove Subdivisions. The county parcel to the east is zoned Suburban Residential - 1 that will ultimately be combined to make up the proposed development property.

Neighboring zoning includes; PUD to the west, Suburban Residential – 1 to the north, and Parks and Open Space (POS) to the east and south. The proposed zoning for this development will be R-6 (Mutli-Family High Density Residential) to achieve the mutli-family housing types that the development will be geared towards.

3.C. SITE PLAN

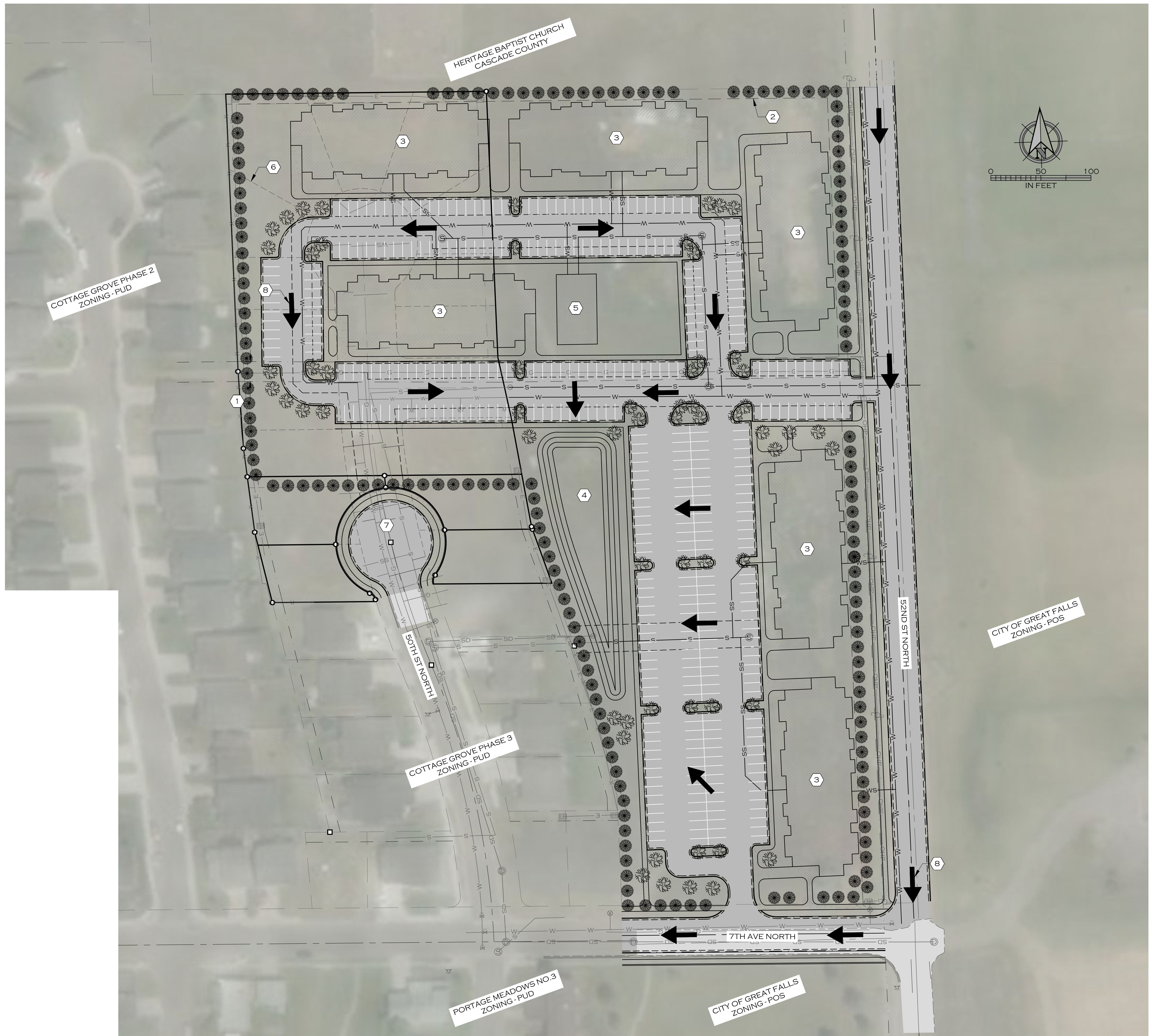
See the Site Plan in Appendix B.

3.D. PLANS AND SUPPLEMENTAL INFORMATION

See Section 2 that follows the Plans and Supplemental Information related to the Zoning Map Amendment.

KEY NOTES:

- 1 EXISTING 20' WIDE NATURAL GAS MAIN EASEMENT
- 2 TYPICAL BUILDING SETBACK PER CITY OF GREAT FALLS TITLE 17, R-6 RESIDENTIAL ZONING
- 3 PROPOSED THREE-STORY, 42-UNIT APARTMENT BUILDING
- 4 PROPOSED STORMWATER DETENTION AND TREATMENT FACILITY
- 5 PROPOSED CLUB HOUSE
- 6 CURRENT COTTAGE GROVE PHASE 3 LOT LINES
- 7 PROPOSED RECONFIGURED CUL-DE-SAC
- 8 PROPOSED DRAINAGE PATH



| | |
|--------------|------------|
| JOB #: | GF2110 |
| DRAWN: | MOH/RLO |
| DESIGN: | MOH/RLO |
| CA: | SMW/KTS |
| DATE: | 09/19/2022 |
| DESCRIPTION: | |
| DATE: | |

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DISCOVERY MEADOWS APARTMENTS
 GREAT FALLS
 MONTANA
 SITE PLAN

PRELIMINARY PLAT OF DISCOVERY MEADOWS APARTMENTS

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

OWNER OF RECORD
DISCOVERY MEADOWS, INC.

SURVEY COMMISSIONED BY
DISCOVERY MEADOWS, INC.

TOTAL SUBDIVISION AREA
8.88 ACRES (GROSS)
8.32 ACRES (NET)

CERTIFICATE OF OWNER

WE, THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO BLOCKS, LOTS, EASEMENTS, AND STREETS AS SHOWN BY THE ATTACHED PLAT. THE TRACT OF LAND TO BE KNOWN AS THE PLAT OF DISCOVERY MEADOWS APARTMENTS SUBDIVISION, LOCATED IN THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN MONTANA, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE AMENDED PLAT OF COTTAGE GROVE ADDITION PHASE 3, SAID POINT BEING A FOUND 1 1/2" YELLOW PLASTIC CAP MARKED "5206ES", THENCE, S88°47'35"E, A DISTANCE OF 650.11 FEET TO THE SECTION LINE COMMON TO SECTIONS 3 & 4; THENCE, S00°43'21"E, A DISTANCE OF 814.92 FEET; THENCE, N88°43'03"W, A DISTANCE OF 290.84 FEET; THENCE, N00°42'58"W, A DISTANCE OF 110.08 FEET; THENCE, N14°03'46"W, A DISTANCE OF 155.08 FEET; THENCE, N17°57'16"W, A DISTANCE OF 126.49 FEET; THENCE, N08°45'36"W, A DISTANCE OF 53.24 FEET; THENCE, N88°43'11"W, A DISTANCE OF 274.01 FEET; THENCE, N05°50'13"W, A DISTANCE OF 28.60 FEET; THENCE, N02°14'07"W, A DISTANCE OF 76.94 FEET; THENCE, N00°42'58"W, A DISTANCE OF 277.17 FEET TO THE POINT OF BEGINNING, CONTAINING 8.88 ACRES, MORE OR LESS.

THE UNDERSIGNED, GRANTOR HEREBY DEDICATES, TO THE CITY OF GREAT FALLS, GRANTEE, THE PUBLIC STREETS AS SHOWN HEREON. WITHOUT LIMITATION, GRANTEE MAY OPERATE, MAINTAIN, REPAIR, AND REBUILD ROADS, DRAINAGE WAYS, RAMPS, SIDEWALKS, CURBS, GUTTERS, CUTS AND OTHER RELATED IMPROVEMENTS.

FURTHERMORE, THIS SURVEY IS EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO SECTION 76-4-125(1)(d) M.C.A., TO WIT: "AS CERTIFIED PURSUANT TO 76-4-127, TO WIT: (1) TO QUALIFY FOR THE EXEMPTION SET OUT IN 76-4-125(1)(d), THE CERTIFYING AUTHORITY SHALL SEND NOTICE OF CERTIFICATION TO THE REVIEWING AUTHORITY THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES WILL BE PROVIDED FOR THE SUBDIVISION. FOR A SUBDIVISION SUBJECT TO TITLE 76, CHAPTER 3, THE CERTIFYING AUTHORITY SHALL SEND NOTICE OF CERTIFICATION TO THE REVIEWING AUTHORITY PRIOR TO FINAL PLAT APPROVAL."

FURTHERMORE, FEDERAL, STATE, AND LOCAL PLANS, POLICIES, REGULATIONS AND/OR CONDITIONS OF SUBDIVISION APPROVAL THAT MAY LIMIT THE USE OF THE PROPERTY, INCLUDING THE LOCATION, SIZE AND USE ARE SHOWN ON THE CONDITIONS OF APPROVAL SHEET OR AS OTHERWISE STATED.

FURTHERMORE, BUYERS OF PROPERTY SHOULD ENSURE THAT THEY HAVE OBTAINED AND REVIEWED ALL SHEETS OF THE PLAT AND ALL DOCUMENTS RECORDED AND FILED IN CONJUNCTION WITH THE PLAT AND ARE STRONGLY ENCOURAGED TO CONTACT THE LOCAL PLANNING DEPARTMENT AND BECOME INFORMED OF ANY LIMITATIONS ON THE USE OF THE PROPERTY PRIOR TO CLOSING.

FURTHERMORE, THE UNDERSIGNED HEREBY GRANTS UNTO EACH AND EVERY PERSON, FIRM, OR CORPORATION, WHETHER PUBLIC OR PRIVATE, PROVIDING OR OFFERING TO PROVIDE TELEPHONE, TELEGRAPH, ELECTRIC POWER, GAS, CABLE TELEVISION, WATER OR SEWER SERVICE TO THE PUBLIC, THE RIGHT TO THE JOINT USE OF AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, AND REMOVAL OF THEIR LINES AND FACILITIES, IN, OVER, UNDER AND ACROSS EACH AREA DESIGNATED ON THIS PLAT AS "UTILITY EASEMENT" TO HAVE AND TO HOLD FOREVER.

FURTHERMORE, THE ABOVE DESCRIBED TRACT OF LAND IS THE KNOWN AND DESIGNATED AS THE PLAT OF DISCOVERY MEADOWS APARTMENTS TO THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND THE LAND INCLUDED IN ALL STREETS AND AVENUES SHOWN ON SAID PLAT ARE HEREBY GRANTED AND DONATED TO THE USE OF THE PUBLIC FOREVER.

DISCOVERY MEADOWS, INC.

BY SPENCER WOITH, VICE PRESIDENT, AUTHORIZED AGENT
DISCOVERY MEADOWS, INC.

STATE OF MONTANA)
 :SS
COUNTY OF CASCADE)

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS _____ DAY OF _____, 2022 BY SPENCER WOITH, VICE PRESIDENT, AUTHORIZED AGENT OF DISCOVERY MEADOWS, INC.

NOTARY PUBLIC, STATE OF MONTANA

CERTIFICATE OF COUNTY TREASURER

I, DIANE HEIKKILA, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY PURSUANT TO 76-3-207(3), M.C.A. THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED HEREIN HAVE BEEN PAID.

BY DIANE HEIKKILA, TREASURER DATE _____
CASCADE COUNTY

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, PAUL SKUBBINA, PUBLIC WORKS DIRECTOR FOR THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND THE SURVEY THAT IT REPRESENTS, AND I FIND THE SAME CONFORMS TO THE REGULATIONS GOVERNING THE PLATTING OF LANDS AND TO PRESENTLY PLATTED ADJACENT LAND, AS NEAR AS CIRCUMSTANCES WILL PERMIT AND I DO HEREBY APPROVE THE SAME.

BY PAUL SKUBBINA, PUBLIC WORKS DIRECTOR DATE _____
CITY OF GREAT FALLS, MONTANA

CERTIFICATE OF GREAT FALLS PLANNING BOARD

WE, THE UNDERSIGNED, PETER FONTANA, PRESIDENT OF THE SAID GREAT FALLS PLANNING BOARD, GREAT FALLS, CASCADE COUNTY, MONTANA, AND CRAIG RAYMOND, SECRETARY OF SAID GREAT FALLS PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT OF DISCOVERY MEADOWS APARTMENTS HAS BEEN SUBMITTED TO THE SAID GREAT FALLS PLANNING BOARD FOR EXAMINATION BY THEM AND WAS FOUND BY THEM TO CONFORM TO LAW AND WAS APPROVED AT A MEETING HELD ON THE _____ DAY OF _____, 2022.

BY DAVE BERTELSEN DATE _____
CHAIR, GREAT FALLS PLANNING BOARD

BY CRAIG RAYMOND DATE _____
SECRETARY, GREAT FALLS PLANNING BOARD

CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, FOUND THAT NO CASH DONATION OR DEDICATION OF ANY PARK OR PLAYGROUND IS REQUIRED IN THE PLAT OF DISCOVERY MEADOWS APARTMENTS, LOCATED IN THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA IN ACCORDANCE WITH SECTION 76-3-621(3), M.C.A.

BY GREGORY T. DOYON, CITY MANAGER DATE _____
CITY OF GREAT FALLS, MONTANA

CERTIFICATE OF ADEQUATE STORM WATER DRAINAGE & MUNICIPAL FACILITIES

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT ADEQUATE STORM WATER DRAINAGE AND ADEQUATE MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID WASTE ARE AVAILABLE TO THE ABOVE DESCRIBED PROPERTY, NAMELY THE SAID FACILITIES OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, AND THIS CERTIFICATE IS MADE PURSUANT TO SECTION 76-4-127, M.C.A. AND UNDER THE PROVISIONS OF 76-4-125(1)(b), M.C.A., PERMITTING THE CLERK AND RECORDER OF CASCADE COUNTY, MONTANA TO RECORD THE ACCOMPANYING PLAT.

BY GREGORY T. DOYON, CITY MANAGER DATE _____
CITY OF GREAT FALLS, MONTANA

CERTIFICATE OF CITY COMMISSION

I, GREGORY T. DOYON, CITY MANAGER OF THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT THIS PLAT OF DISCOVERY MEADOWS APARTMENTS WAS DULY EXAMINED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____, 2022.

BY GREGORY T. DOYON, CITY MANAGER DATE _____
CITY OF GREAT FALLS, MONTANA


CERTIFICATE OF SURVEYOR

I, MICHAEL D. SHAYLOR, A LICENSED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PERFORMED THE SURVEY SHOWN ON THE ATTACHED PLAT OF DISCOVERY MEADOWS APARTMENTS LOCATED IN THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT THE MONUMENTS FOUND AND SET ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON. AS PER ARM 24.183.110(1)(d) DUE TO PLANNED IMPROVEMENT INSTALLATION, THE MONUMENTS NOT IN PLACE AT THE TIME OF FILING, (AS DEPICTED IN THE LEGEND) WILL BE PLACED WITHIN 240 DAYS OF RECORDING THIS SURVEY.

BY MICHAEL D. SHAYLOR, PLS DATE _____
MONTANA REGISTRATION NO. 19110LS

SURVEYOR'S NOTES

- IT IS NOT THE INTENT OF THIS PLAT TO IDENTIFY ALL EASEMENTS OF RECORD. THERE MAY BE EXISTING EASEMENTS OF SITE AND RECORD WHICH ARE NOT SHOWN ON THIS AMENDED PLAT.
- ALL BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE FOUND OR SET UNLESS OTHERWISE NOTED.
- ARM 24.183.1104(1)(f)(iii)(C), TO WIT "THE AREA THAT IS BEING REMOVED FROM ONE TRACT OF RECORD AND JOINED WITH ANOTHER TRACT OF RECORD IS NOT ITSELF A TRACT OF RECORD. SAID AREA SHALL NOT BE AVAILABLE AS A REFERENCE LEGAL DESCRIPTION IN ANY SUBSEQUENT REAL PROPERTY TRANSFER AFTER THE INITIAL TRANSFER ASSOCIATED WITH THE AMENDED PLAT ON WHICH SAID AREA IS DESCRIBED, UNLESS SAID AREA IS INCLUDED WITH OR EXCLUDED FROM ADJOINING TRACTS OF RECORD."

| | | | | | |
|---|--------------------------|---------|----------|-------|--|
|  ENGINEERS & SURVEYORS <small>405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955 3600 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9565 • WWW.WOITHENG.COM •</small> | 1/4 | SECTION | TOWNSHIP | RANGE | PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 2214 DRAWN: CRH/RL0 QA: MDS DATE: SEPTEMBER 20, 2022 FILENAME: PH2-PLAT.DWG SHEET 1 OF 2 |
| | <input type="checkbox"/> | 4 | 20 N | 4 E | |

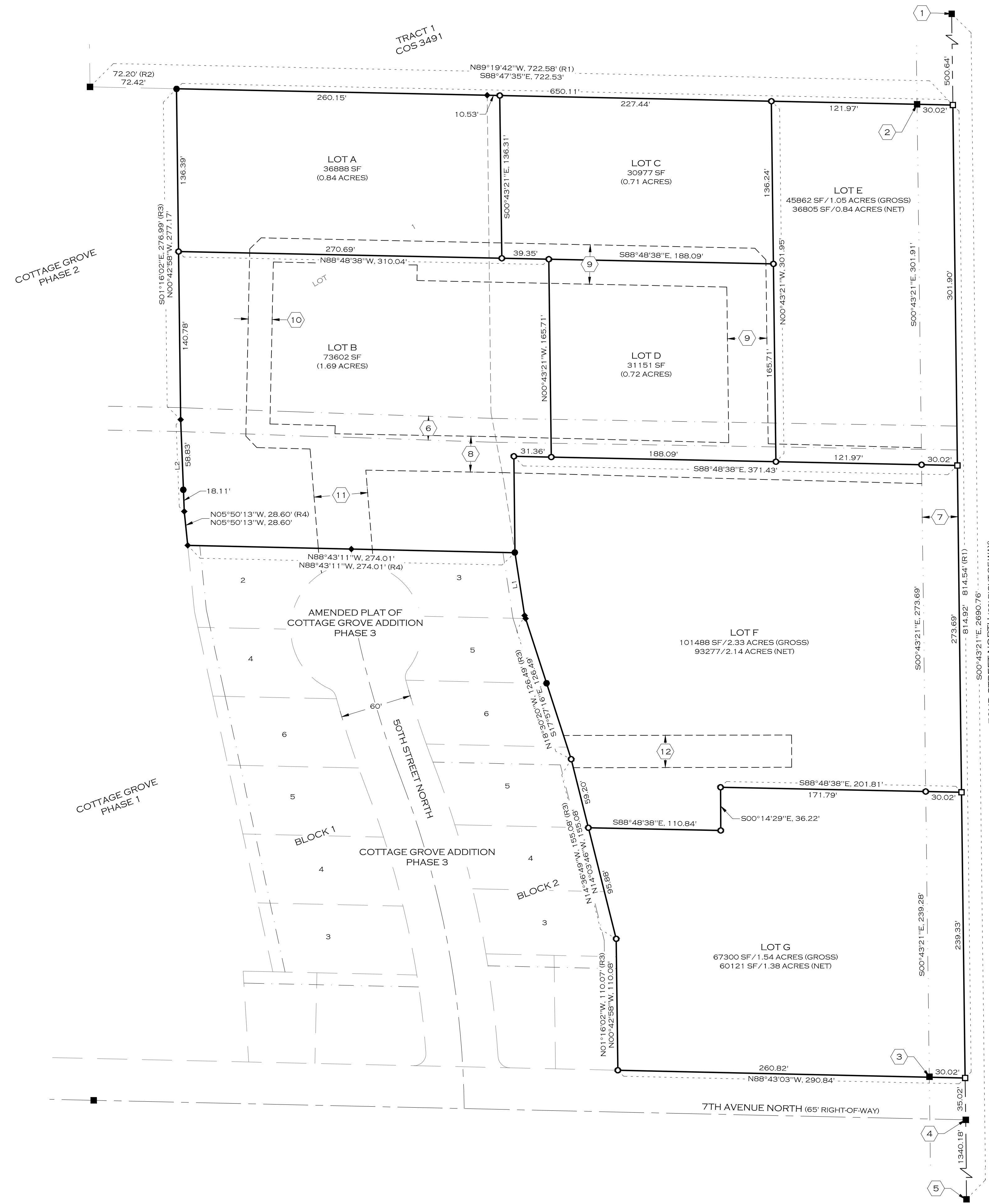
PRELIMINARY PLAT OF DISCOVERY MEADOWS APARTMENTS

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

OWNER OF RECORD
DISCOVERY MEADOWS, INC.

SURVEY COMMISSIONED BY
DISCOVERY MEADOWS, INC.

TOTAL SUBDIVISION AREA
8.88 ACRES (GROSS)
8.32 ACRES (NET)



LEGEND

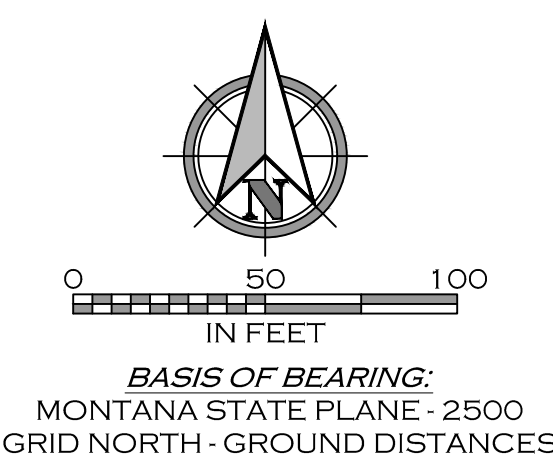
- SECTION LINE
- LOT BOUNDARY PER THIS AMENDED PLAT
- OLD LOT BOUNDARY
- ADJOINING LOT BOUNDARY (NOT PART OF THIS SURVEY)
- EXISTING EASEMENT AS DESCRIBED
- EXISTING RIGHT-OF-WAY
- EASEMENT AS DESCRIBED (PER THIS DOCUMENT)
- FOUND 1 1/2" YELLOW PLASTIC CAP MARKED "5206ES"
- ◆ FOUND 1 1/4" YELLOW PLASTIC CAP MARKED "WEI SHAYLOR 191 10LS"
- FOUND MONUMENT AS DESCRIBED
- SET 3/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP MARKED "WEI SHAYLOR 191 10LS"
- CALCULATED POINT - NOTHING FOUND OR SET
- (R1) RECORD OR ADDITIVE RECORD - CERTIFICATE OF SURVEY 4098 (2003)
- (R2) RECORD OR ADDITIVE RECORD - PLAT OF COTTAGE GROVE ADDITION PHASE 2 (2007)
- (R3) RECORD OR ADDITIVE RECORD - PLAT OF COTTAGE GROVE ADDITION PHASE 3 (2008)
- (R4) RECORD OR ADDITIVE RECORD - AMENDED PLAT OF COTTAGE GROVE ADDITION PHASE 3 (2022)

LINE TABLE

| LINE # | BEARING & DISTANCE | RECORD |
|--------|---------------------|--------------------------|
| L1 | N08°45'36"W, 53.24' | S08°45'36"E, 53.24' (R4) |
| L2 | N02°14'07"W, 76.94' | N02°47'07"W, 76.94' (R4) |

KEY NOTES

- ① 1 1/2" ALUMINUM CAP MARKED "86445"
- ② 1 1/4" YELLOW PLASTIC CAP, ILLEGIBLE
- ③ 2 1/2" Ø IRON PIPE
- ④ 1 1/2" ALUMINUM CAP
- ⑤ 2" ALUMINUM CAP, ILLEGIBLE
- ⑥ 20' NATURAL GAS LINE EASEMENT
- ⑦ 30' PUBLIC RIGHT-OF-WAY DEDICATED PER THIS PLAT
- ⑧ 30' ACCESS UTILITY EASEMENT
- ⑨ 33' ACCESS AND UTILITY EASEMENT
- ⑩ 20' ACCESS AND UTILITY EASEMENT
- ⑪ 45' UTILITY EASEMENT
- ⑫ 27' UTILITY EASEMENT



| | | | | | |
|--|--------------------------|---------|----------|-------|--|
| WOITH ENGINEERING, INC. ENGINEERS & SURVEYORS <small>405 3RD STREET NW, SUITE 206 - GREAT FALLS, MT 59404 • 406-761-1955 3800 O'LEARY STREET, SUITE A - MISSOULA, MT 59808 • 406-203-6565 WWW.WOITHENG.COM</small> | 1/4 | SECTION | TOWNSHIP | RANGE | PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WEI JOB#: 2214 DRAWN: CRH/RLO QA: MDS DATE: SEPTEMBER 20, 2022 FILENAME: PH2-PLAT.DWG SHEET 2 OF 2 |
| | <input type="checkbox"/> | 4 | 20 N | 4 E | |

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IMPROVEMENT AGREEMENT FOR DISCOVERY MEADOWS, INC. DEVELOPMENT, LEGALLY DESCRIBED AS MARK 17 IN THE SE 1/4 OF SECTION 4, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

The following is a binding Agreement dated this _____ day of _____, 2022, between Discovery Meadows, Inc., 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 the annexation of a tract of land into the corporate limits of the City legally described as Mark 17 in the SE ¼ of Section 4, T20N, R4E, P.M.M., Cascade County, Montana, hereinafter referred to as "Subject Property". The Owner 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 annexation and 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 development of the Subject Property;

1.2 Insulates the Subject Property from the impact of changes in the City's zoning regulations, provided that no substantial changes in the development of the Subject Property are proposed;

1.3 Requires the Owner to guarantee that the agreed-upon improvements contained in this agreement are made in a timely manner by providing the financial securities required by the Official Code of the City of Great Falls (OCCGF);

1.4 Provides for the inspection and warranty of the required improvements before they are accepted for operation and maintenance by the City;

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

1.6 Establishes how necessary changes of final construction plans required by the Agreement may be made with the approval of the City;

1.7 Contemplates reimbursements to the Owner when neighboring properties that benefit from certain improvements made by the Owner are developed;

1.8 Embodies certain conditions that are imposed by the City upon approval of the annexation of the Subject Property in order to facilitate their enforcement; and

1.9 Indemnifies the City from challenges to its approval of the annexation of the Subject Property and holds it harmless from errors and omissions in the approval and oversight of the improvements relating to development of the Subject Property.

2. Duration. The term of this Agreement begins at the date here above written and with the exceptions

stated below, is a perpetual recorded agreement between the Owner and the City.

2.1 If Work Does Not Begin. This Agreement may be amended if final construction plans for the first phase of the Development are not submitted for approval within three years of the date of the City Manager's signature on this Agreement.

2.2 Failure to Build. The Owner's failure to complete improvements in accordance with the final construction plans may result in the City retaining the security required in Section 12 of this Agreement. It may also void this Agreement and the vested rights established by Section 9, below.

2.3 Failure to Pay. The Owner's failure to make timely payment of its share of any of the required improvements listed in this Agreement, voids the Agreement and the vested rights established by Section 9. It may also result in the City attempting to collect the amount due by any lawful means.

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

3.1 Final Plat. The Final Plat, to be filed on record in the Clerk and Recorder's Office of Cascade County, Montana, upon approval by the City of Great Falls.

3.2 Construction Documents. Engineering drawings, specifications, reports and cost estimates (preliminary and final), prepared for the Subject Property, consisting of documents for, but not limited to the public sanitary sewer, water, storm drain, and street improvements. Construction documents shall be designed in compliance with the City's Standards for Design and Construction Manual.

3.3 As Built Drawings. "As Built" reproducible 4 mil mylar drawings and one electronic copy of public infrastructure, private utilities, and drainage facilities shall be supplied to the City of Great Falls upon completion of construction.

3.4 Legal Documentation. Legal documents, including but not limited to any articles of incorporation, bylaws, covenants, and declarations establishing the authority and responsibilities of the Owner relating to the Subject Property, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

4. Changes. The Owner understands that failure to install required improvements in accordance with the final construction plans approved for the development of the Subject Property is a breach of, and may void, this Agreement. The Owner also understands that such failure is a violation of the OCCGF and is 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 Administrator is 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 plans, as provided below:

4.1 Minor Changes. Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by the Administrator and which do not materially affect the Subject Property, can be made as follows:

4.1.1 Before making changes, the Owner must submit revised plans to the Administrator for review. Failure to do so 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 fifteen (15) days of receipt of the revised plans.

4.1.2 Based on a review of the revised plans, 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.

4.1.3 Based on a review of the revised plans, the Administrator may permit substitutions for proposed building and construction materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

4.1.4 Minor changes in the location and specifications of the required public 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.

4.2 Substantial Changes. Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows in order to further clarify what may be permitted as a "Minor Change":

4.2.1 A substantial change adds one or more lots; changes the approved uses; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator; changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

5. Fees. The Owner understands that it is 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 the Subject Property shall not constitute a waiver by the City.

5.1 Recording Fees. The Owner is responsible for all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

5.2 Engineering Inspections. The Owner is responsible to pay all applicable engineering fees established by Resolution of the City Commission of the City of Great Falls.

5.3 Permit Fees. The Owner is responsible to pay all applicable planning and building permit fees established by Resolution of the City Commission of the City of Great Falls.

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

5.5 Storm Drain Fee. The Owner is responsible to pay a storm drain fee in the amount of \$250 per acre for the Subject Property. This would equal a total of \$1,658.00 for the total 6.632 acres of the Subject Property. The total storm drain fee is to be paid to the City no later than 30 days after the annexation resolution for the Subject Property is recorded.

5.6 Application Fees. In addition to the fees outlined above, application fees paid by the Owner are: the \$2,000.00 application fee for establishment of zoning, and the \$500.00 application fee for annexation, which have been paid prior to this Agreement.

6. Site Conditions. The Owner warrants that it has 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 site and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the development 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.

7. On-Site Improvements. The on-site improvements required prior to certificate of occupancy of any structure built upon the Subject Property shall include everything required to provide water, sanitary sewer, sanitary sewer industrial pretreatment (as applicable), fire protection, storm drainage, storm water quality treatment, access, and other requirements as may be required by OCCGF. Access for purposes of emergency vehicles shall be installed to the City specifications prior to the issuance of any building permits for the Subject Property. The Owner shall provide public utility easements for all required public utilities. The Owner agrees to install on-site stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls. Stormwater quantity and quality control measures must comply with standards of the City of Great Falls Storm Drainage Design Manual for the on-site private improvements. The design, installation, inspection, and maintenance responsibilities of these improvements shall be approved by the City of Great Falls. The Owner will not be required to install stormwater quantity and quality control measures for drainage from the public right-of-ways. All stormwater from the right-of-ways of 52nd Street North and 7th Avenue North will enter the existing City's storm drainage system. Additionally, an enforceable operation and maintenance agreement with the City and the Owner is required to ensure private stormwater control measures function properly.

8. Permits. This Agreement must be approved by the City Commission and signed by the City Manager and the Owner before permits for any work will be approved, including, but not limited to, grading for streets or trenching for the installation of utilities.

9. Vested Rights. The approval of this Agreement by the City creates a vested right that protects the Owner from changes in the zoning regulations of Title 17 of the OCCGF. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right does not exempt the owner from compliance with changes to state and federal requirements, including those of the Montana Department of Transportation (MDT). This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the approved final construction plans of the development of the Subject Property.

10. Required Public Improvements. The public improvements required for the development of the Subject Property shall be installed as shown on the final construction plans that are submitted to and approved by the City of Great Falls prior to issuance of the applicable Certificates of Occupancy for each

development phase. As an alternative, the Owner may provide a financial security for said improvements as prescribed in Section 12.

10.1 Water. The Owner hereby agrees to extend a looped eight (8) inch public water main through the development and connect to the existing water mains as shown on the proposed Site Plan consistent with City standards and submitted plans approved by the City of Great Falls, including the addition of the required fire hydrant(s). The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of water main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement, the location of which shall be approved by the City. The improvement is to be owned and maintained by the City upon completion.

10.2 Sanitary Sewer. All buildings upon the subject property shall be served by sanitary sewer as shown on the proposed Site Plan. The construction of the sewer main is the responsibility of the Owner. Sanitary sewer mains shall be constructed consistent with City standards and submitted plans approved by the City of Great Falls. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of sewer main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement, the location of which shall be approved by the City. The improvement is to be owned and maintained by the City upon completion.

10.3 Improvements to 52nd Street North and 7th Avenue North. The Owner agrees to construct curbing, sidewalk, and boulevard landscaping along the west side of 52nd Street North and curbing along the east side of 52nd Street North. The Owner agrees to provide a Geotechnical Report to support the design of the 52nd Street North roadway pavement section, and agrees to convert the existing gravel road to a paved facility meeting all City standards. The Owner shall provide a crosswalk on the north end of the intersection of 52nd Street North and 7th Avenue North to create a pedestrian connection to the City's Siebel Soccer Fields facility. The City shall be responsible for reimbursing the Owner for half of the roadway improvements made to 52nd Street North. The City shall paint the curbs and install "No Parking" signs along the east and west sides of 52nd Street North. The Owner also agrees to construct and/or reconstruct curbing, sidewalk, and boulevard landscaping along the north side of 7th Avenue North. Design and installation shall be consistent with City standards and submitted plans approved by the City of Great Falls. All boulevard improvements, including curbing, sidewalks, and landscaping on the West side of 52nd Street North shall be maintained by the Owner. Additionally, the Owner is required to construct the sub-base course for the northern 8-12 foot portion of 7th Avenue North. The City shall be responsible for the paving of this street section.

11. Warranty, Ownership and Inspection of Public Improvements. The Owner is responsible for the repair or replacement of any faults in the materials or workmanship of the required on-site and off-site public improvements for a period of two years from the date those improvements are accepted for maintenance by the City. This warranty will be enforced by the City receiving 10% of the security required by Section 12 of this Agreement for the two-year warranty period. That sum will be released at the end of two years unless the parties are involved in a dispute about the condition, repair, or replacement of any of the required improvements, in which case funds will be held by the City until that dispute is

resolved. The release of warranty funds follow the procedure established in Section 12 of this Agreement for the release of security. Installation of all sidewalks, curb ramps, water, sewer, storm drain, and other public improvements for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

12. Security for Public Improvements. If any public improvements in each construction phase need to be deferred, the Owner shall provide the City with a performance bond, an irrevocable letter of credit, or another form of security acceptable to the Administrator in an amount equal to one hundred thirty-five percent (135%) of the costs of the required public improvements.

The security required by this section shall be returned or released upon acceptance of the required improvements, except as provided in Section 12. Following the final required inspection and City approval of the public improvements, the Director of Public Works shall promptly inform the Administrator, in writing, that all improvements have been inspected and are acceptable for maintenance by the City. If all other improvements relating to the development of the Subject Property are in compliance with all conditions of approval, this Agreement, and the OCCGF, the Administrator shall then instruct the City Clerk to release the security to the Owner, minus the retained portion to be held in warranty as required by Section 12 of this Agreement.

13. Maintenance Districts. The Owner hereby agrees to waive its right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

14. Park District. Owner acknowledges that the Subject Property is, 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.

15. Public Roadway Lighting. The Owner agrees to waive its right to protest and appeal any future special lighting district for public roadway lighting facilities that service the Subject Property, and further agrees to pay for the installation of public roadway lighting which services the Subject Property, if such lighting is required by the City during project review.

16. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the Subject Property for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned City zoning classifications of R-6 Multi-family High Density north of the center-line of 7th Avenue North and the entire width of 52nd Street North.

17. 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 requirements, and other applicable standards. The City’s limited plans 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 the Subject Property and/or Owners obligations pursuant to this Agreement. Upon the transfer of ownership of the Subject Property, the prior owner’s (whether it is the Owner that signed this Agreement or a subsequent owner) indemnity obligation herein for the Subject Property is released as to that owner and the indemnity obligation runs to the new owner of the Subject Property. Only the owner of the Subject Property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no property owner is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the Owner of the Subject Property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

18. 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.

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

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

_____, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

Discovery Meadows, Inc.

By: _____

Its: _____

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year Two Thousand and Twenty, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they 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 Public for the State of _____

(NOTARIAL SEAL)

DRAFT