



**Planning Advisory Board/Zoning Commission
August 12, 2025 Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
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, August 12, 2025 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

Tory Mills - Chair

Julie Essex - Vice Chair

Michael Bicsak

David Cantley

Michael Gorecki

Joe McMillen

Jim Wingerter

3. Staff Recognition
4. Approval of Meeting Minutes - June 24, 2025

CONFLICT DISCLOSURE / EX PARTE COMMUNICATION

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. Public Hearing – Annexation of Lot 4A, Block 7, University Addition and the adjoining right-of-way of 18th Alley Southwest; establishing the City zoning classification of R-3 Single-family High Density upon the described property.

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
June 24, 2025**

CALL TO ORDER

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

ROLL CALL & ATTENDANCE

Planning Board Members present:

Tory Mills, Chair
Julie Essex, Vice Chair
Michael Bicsak at 3:04 PM
David Cantley
Michael Gorecki
Joe McMillen
Jim Wingerter

Planning Board Members absent:

None

Planning Staff Members present:

Brock Cherry, Director of Planning and Community Development
Lonnie Hill, Deputy Director of Planning and Community Development
Kristie Nelson, Permit Technician
Jamie Nygard, Sr. Administrative Assistant
Sara Reynolds, Associate Planner

Other Staff present:

Rachel Taylor, Deputy City Attorney

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

MINUTES

Chair Mills asked if there were any comments or corrections to the meeting minutes from June 10, 2025. Ms. Essex stated that there was a correction from "judiciary" to "fiduciary." Mr.

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McMillen motioned to approve the corrected minutes, which Ms. Essex seconded. All in favor, the minutes were approved.

BOARD ACTIONS REQUIRING A PUBLIC HEARING

Annexation of Lot 1 of the Mercedes Minor Subdivision, the adjoining right-of-way of 21st Avenue South, and the adjoining 30' wide parcel owned by the City of Great Falls; establishing the City zoning classification of Planned Unit Development (PUD); and, Preliminary Plat of Peace Harbor Phase 1.

Sara Reynolds, Associate Planner, addressed the Board. She stated that the applicant, Karl Birky, of KIB Homes, was requesting approval for the annexation of the subject property, the adjoining right-of-way, and the neighboring City parcel. He also sought approval for establishing PUD zoning and the preliminary plat of Peace Harbor Phase 1 on the approximately 15.47-acre site east of 20th Avenue South and south of Benefis Court.

Ms. Reynolds presented a location and zoning map, site photos, layout and phasing plan, Preliminary Plat, and Off-Site Annexation plan.

Ms. Reynolds stated that the development proposal involves creating 67 single-family lots for purchase, with a focus on a wide range of lot and home sizes, ranging from 5,200 to 12,200 square feet. They are also requesting an increase in lot coverage to 60%, which will include public utility mains and streets. Ms. Reynolds mentioned that the project will occur in two construction phases, with the first phase including 30 homes and the second phase comprising of 37 homes, including a second street connection to 21st Avenue South.

Ms. Reynolds stated that the developer is responsible for constructing all necessary public streets and avenues to city standards, including an off-site extension of 21st Avenue South to 8th Street South, as well as extending utilities through the subdivision to include water, sewer, storm, and fire hydrants. She added that once the utilities are completed, long-term maintenance will transfer to the city. Ms. Reynolds also said that the developer must build a regional stormwater detention facility sized to serve the contributing basin, which will be owned and maintained by the city upon completion. This must be done before final plat approval for Phase 1.

Ms. Reynolds presented the Basis of Decision – Annexation.

1. Contiguous to City limits
 - The project is contiguous along 20th Avenue South to the west and northern properties.
2. Consistent with the City's Growth Policy
 - Soc. 1.4.2 – Expand supply of housing
 - Soc. 1.4.6 – Variety of housing types and densities
 - Eco. 3.4.3 – Support investments that help attract and retain the workforce
3. The City can provide public services.

- Public Works verified capacity is adequate to provide public utility services to the subject property
 - The subject property is within the area served by the Great Falls Fire Rescue and the Great Falls Police Department.
 - The existing roads can accommodate the additional traffic.
4. The property will be improved to City standards.
 - The requirements are listed within the Improvement Agreement.
 - The Standards are provided within the proposed PUD Document.

Ms. Reynolds stated that the establishment of a Planned Unit Development (PUD) is a special type of zoning district that the developer proposes to account for a desired mix of uses. She also mentioned that each district is unique and therefore has its own set of development standards, which are documented in the approval.

Ms. Reynolds presented the Basis of Decision – Establishment of Planned Unit Development.

1. Consistent with the City's Growth Policy
 - SOC3 1.4.2 – Expand supply of housing
 - Soc. 1.4.6 – Variety of housing types and densities
 - Eco. 3.4.3 – Support investments that help attract and retain the workforce.
2. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.
 - There are no existing public health, safety, or welfare issues that have been identified for the subject property.
 - The subject property is not within a wildland fire hazard area or other known hazards.
3. Effects on Agriculture and water-user facilities
 - The property was not previously used for agriculture or as a water-user facility.
4. Effects on local services
 - The public road system has sufficient capacity.
 - The surrounding area is currently receiving law enforcement and fire protection services.
 - Providing services to the subdivision is expected to be a manageable cost to the City, and increased tax revenues from the improved properties may cover increased costs.

Ms. Reynolds presented the Basis of Decision – Subdivision.

1. Effects on the natural environment
 - The subdivision is not expected to affect the natural environment adversely.
 - The project will provide stormwater quantity and quality features to ensure that discharge from the project does not negatively impact the water quality.
 - The project will not adversely impact soils or soil erosion, vegetation, air pollution, or noxious weeds.

Ms. Reynolds stated that Andrew Finch, Senior Transportation Planner, completed a Traffic Impact Analysis and confirmed that the Traffic Impact Analysis threshold was not met according to the OCCGF. Based on the ITE Trip Generation Manual, the development is expected to generate approximately 623 weekday trips and 66 PM peak-hour trips. She also presented a table showing the projected daily trips.

Ms. Reynolds explained that the existing street network can accommodate the anticipated increase in vehicle volume. To ensure safe multimodal access, the developer will be required to build sidewalks within the subdivision and connect them to the existing network on 20th Avenue South. She further stated that most traffic is assumed to use 21st Avenue South as a direct route to traffic lights on 10th Avenue South. Additionally, she mentioned that staff recommends conditioning the second construction phase on the completion of the 21st Avenue South street connection to 8th Street South.

Ms. Reynolds stated that the request is a fiscally sound approach to growth because it is located within existing fire and police service areas. The water and sewer services will be provided by the City, with all infrastructure improvements funded by the applicant. She mentioned that higher residential density allows infrastructure costs to be distributed across more units, thereby improving cost efficiency and reducing the per-unit financial impact. The new connections via 20th and 21st Avenue South will enhance neighborhood access and overall connectivity, introducing 67 single-family homes that will help meet local housing needs while expanding the City's tax base in an efficient, incremental, and financially resilient manner.

Ms. Reynolds stated that the design team presented the project to Neighborhood Council #6 on May 7, 2025, and the Council voted unanimously to support the project. She also noted that the Great Falls Public Schools sent a letter stating that they could accommodate the additional students in the area.

Ms. Reynolds stated that Staff recommends approval of the annexation, assignment of PUD zoning, and Preliminary Plat of Peace Harbor Phase 1 with the following conditions:

1. General Code Compliance. Any future development of the property shall be consistent with the conditions in the report, as well as all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Improvement Agreement. The applicant shall abide by the terms and conditions and pay all fees specified in the attached Improvement Agreement for the subject property. The Improvement Agreement must be signed by the applicant and recorded with the Cascade County Clerk and Recorder.
3. Final Plat. The Final Plat of Peace Harbor Phase 1 shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
4. Engineering Drawings. The final engineering drawings, specifications, and cost estimates for public improvements for Peace Harbor shall be submitted to the City Public Works Department for review and approval before consideration of the Final Plat.

5. Land Use and Zoning. The property's development shall be consistent with the allowed uses and specific development standards of the proposed Planned Unit Development (PUD) zoning district.

APPLICANT PRESENTATION

Jeff Heimerl from KIB Homes introduced Nick Acker and Jason Crawford as part of the design team and mentioned that Karl Birky could not attend the meeting but appreciated the work that has gone into the project.

PUBLIC QUESTIONS

None.

PROPOSERS

Brett Doney from the Great Falls Development Authority, located at 405 3rd Street NW, #203, stated that there is a significant need for housing, and increasing density is the most cost-effective way to meet that need. The developer is local and highly experienced. He thanked City staff for collaborating with the developer and the developer for their work on the project. He mentioned that they would like to see more enclaves like the one presented emerging, as they represent the highest and best use for the City. Mr. Doney also stated that he agrees with staff on the findings and encouraged the Board to approve the request.

OPPOSERS

None.

BOARD QUESTIONS

Mr. Gorecki inquired about the gravel section of 8th Street South and whether it is maintained by the City or the county. Ms. Reynolds responded that the Public Works team is planning how to connect the streets in the area in the future, but that the roadway is within City limits. Mr. Gorecki explained that as traffic increases on the gravel road, it will rapidly deteriorate, and he asked who would be responsible for its maintenance. Ms. Reynolds mentioned that the team is exploring the option of connecting to 21st Street South. KIB is only responsible for the tie-in to 8th Street South; the remaining section will be the City's responsibility to construct and maintain.

Mr. Gorecki inquired about traffic control. Mr. Hill replied that the staff has been collaborating with the Public Works Engineering division to determine what the intersection will look like in the

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future, as the current radius is not ideal. There is a broader plan to enhance the entire intersection.

Mr. Gorecki asked whether green spaces and access to them are being considered with the increased density. Ms. Reynolds mentioned that there is a park a few blocks away and other open spaces to the north. Mr. Cherry also noted that the development complies with the subdivision code by paying the parks in lieu of fees and has worked closely with the Parks and Recreation department.

Mr. Wingerter asked if sidewalks would not be required. Ms. Reynolds clarified that sidewalks will not be required for the 21st Avenue South connection, but that all of the subdivision and 20th Avenue South will be required to have sidewalks. The sidewalks along the 21st Avenue South connection will be required at time of annexation of those adjacent properties.

BOARD DISCUSSION AND ACTION

Mr. Mills said he was talking to a native of Great Falls who wants to bring an HVAC company to the area. He was worried about how all the families could be accommodated. Mr. Mills appreciates the project moving forward because there is a need for housing.

MOTION: That the Planning Advisory Board recommend the City Commission approve the annexation of the property as legally described in the staff report, the Improvement Agreement, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Cantley

Second by: Mr. McMillen

VOTE: 6-0; Motion passed.

MOTION: That the Zoning Commission recommend the City Commission approve the establishment of Planned Unit Development zoning for the property as legally described in the staff report, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Mr. Gorecki

Second by: Mr. Wingerter

VOTE: 6-0; Motion passed.

MOTION: That the Planning Advisory Board recommend the City Commission approve the Preliminary Plat of Peace Harbor Phase I Major Subdivision as legally described in the staff

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report, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Essex

Second by: Mr. Gorecki

VOTE: 6-0; Motion passed.

COMMUNICATIONS

Mr. Cherry stated that the Planning Advisory Board is the recommending body for the Growth Policy Update, and drafts will be coming soon.

Mr. Cherry said that some in-person training will be scheduled for January by the Montana League of Cities and Towns.

Mr. Cantley said he appreciates how much effort staff puts into preparing the Agenda Reports.

PUBLIC COMMENT

Brett Doney, of the Great Falls Development Authority, said that 350 economic developers from around the world were in Great Falls that week and thanked City Staff for helping organize the event.

ADJOURNMENT

There being no further business, Chair Mills adjourned the meeting at 3:35 p.m.

CHAIRMAN TORY MILLS

SECRETARY BROCK CHERRY



Meeting Date: August 12,
2025

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

Item: Public Hearing – Annexation of Lot 4A, Block 7, University Addition and the adjoining right-of-way of 18th Alley Southwest; establishing the City zoning classification of R-3 Single-family High Density upon the described property.

Initiated By: Joseph and Jessica Boso

Presented By: Kayla Kryzsko, Assistant City Planner, Planning and Community Development

Action Requested: Recommendation to the City Commission

Public Hearing:

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

Suggested Motions:

1. Board Member moves:

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

And;

II. “I move that the Zoning Commission recommend the City Commission (approve/deny) the establishment of R-3 Single-family High Density zoning for the subject property as legally described in the staff report, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.”

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

Background:

The owners of the subject property located at 1420 17th Avenue Southwest, as legally described above, submitted application in June 2025 to annex the existing residence into the City for the purpose of connecting to municipal water and sanitary sewer services. City staff met with the property owners to review the annexation process and associated costs.

To facilitate utility connection prior to the completion of the annexation, the property owners signed a letter prepared by City staff. This letter grants permission to obtain permits and connect to City utilities in advance, while also outlining the requirement that, should the annexation not be completed, the owners will be responsible for disconnecting from the City's water and sanitary sewer systems at their own expense. A copy of this signed letter is included as **Attachment D – Utilities Letter**.

Public notice for the Planning Advisory Board/Zoning Commission public hearing was published in the Great Falls Tribune on July 27, 2025. In addition, notice was mailed to property owners within 150 feet of the subject site, and a public notice sign was posted on the premises at 1420 17th Avenue Southwest, in accordance with City notification requirements.

Annexation Request Summary & Establishment of Zoning:

The property proposed for annexation is legally described as Lot 4A, Block 7, University Addition. According to State law, the City is also responsible for annexing adjoining right-of-way. For this request, the City is required to annex the adjoining right-of-way of 18th Alley Southwest. The parcel encompasses approximately 0.34 acres and is contiguous to existing City limits to the north, adjacent to the 17th Avenue Southwest right-of-way. This area was previously annexed into the City under Resolution 9774 in 2008, which included portions of both 15th Street Southwest and 17th Avenue Southwest.

City staff supports the annexation request to facilitate the property owner's connection to municipal water and sanitary sewer services, which are available within the adjacent right-of-way of 17th Avenue Southwest. No reimbursements are currently owed by the applicant. The proposed zoning designation of R-3 (Single-family High Density) aligns with the intended residential use and is compatible with surrounding development patterns.

As outlined in the provided **Attachment A - Annexation Agreement**, the property owner acknowledges and agrees to pay their proportionate share of the costs for any future public infrastructure improvements, such as roadway and/or alley upgrades, utility extensions, or stormwater facilities, should such improvements be initiated by the City or required as a condition of future development. These obligations will be determined in accordance with applicable City policies and cost participation formulas in effect at the time the improvements are made.

Per Section 17.16.7.050 of the Official Code of the City of Great Falls (OCCGF), annexation by petition must be evaluated according to specific decision-making criteria. These criteria must be considered by the Planning Advisory Board in making a recommendation, and by the City Commission in making a final decision. The recommendation of the Planning Advisory Board and the decision of the City Commission shall at a minimum consider the criteria, which are provided as **Attachment B – Basis of Decision: Annexation by Petition**.

The subject property is being proposed for R-3 Single-family High Density zoning. The R-3 zoning district aligns with the existing use of a single-family residence upon the property and fits the existing surrounding residential uses. Nearby residences within the City of Great Falls are within the

R-3 zoning district. The basis for decision on zoning map amendments is listed in the Official Code of the City of Great Falls (OCCGF) 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of the City Commission shall at a minimum consider the criteria, which are provided as **Attachment C - Basis of Decision – Zoning Map Amendment**.

Neighborhood Council Input:

The subject property is adjacent to the boundaries of Neighborhood Council #1. Due to the Council being on summer recess, staff distributed information about the request in lieu of a formal meeting. To date, staff has not received any inquiries or comments from the Council on the proposal.

Concurrences:

Staff from multiple City departments, including Public Works Engineering Department and the Legal Department, have been actively engaged throughout the review of this annexation request. Following a comprehensive evaluation, both departments have reviewed the proposed Annexation Agreement and reached consensus on its terms. Their coordinated efforts ensure that the agreement aligns with City standards and legal requirements.

Fiscal Impact:

Water and sewer services will be extended to the annexed property, with all associated connection costs to be borne by the applicant, as stipulated in the Annexation Agreement and the Utilities Acknowledgement Letter. The annexation will incorporate one additional lot into City limits, thereby incrementally expanding the tax base and generating additional property tax revenue for the City.

Staff Recommendation:

Staff recommends approval of the proposed annexation, Annexation Agreement, and establish R-3 zoning for the subject property, subject to the following conditions:

Conditions of Approval:

1. **General Code Compliance:** Any future development or use of the subject property shall comply with the conditions outlined in this report, as well as all applicable codes and ordinances of the City of Great Falls, the State of Montana, and any other relevant regulatory authorities.
2. **Annexation Agreement:** The applicant shall fully comply with all terms and conditions set forth in the Annexation Agreement associated with the subject property, including the payment of any required fees. The Annexation Agreement must be executed by the applicant and recorded with the Cascade County Clerk and Recorder prior to the annexation becoming effective.
3. **Land Use and Zoning Compliance:** Future development of the property shall be consistent with the permitted uses and applicable development standards of the R-3 Single-Family High Density zoning district, in accordance with the City's zoning regulations and comprehensive plan.

Alternatives:

Should the Planning Advisory Board/Zoning Commission determine that the proposed annexation and zoning designation are not in the public interest or do not align with applicable plans or policies, it may recommend denial of the request. Any recommendation of denial must be supported by a clearly stated alternative Basis of Decision, identifying the specific findings or considerations that justify such action.

Attachments/Exhibits:

- Attachment A - Annexation Agreement
- Attachment B - Basis of Decision – Annexation
- Attachment C - Basis of Decision – Zoning Map Amendment
- Attachment D – Utilities Letter
- Attachment E - Location Map
- Attachment F - Zoning Map

Attachment A

ANNEXATION AGREEMENT
TRACT OF LAND LEGALLY DESCRIBED AS LOT 4A, BLOCK 7 OF THE UNIVERSITY ADDITION,
LOCATED IN SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY,
MONTANA.

The following is a binding Agreement dated this _____ day of _____, 2025, between Joseph Boso and Jessica Boso, hereinafter referred to as “Owners”, and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as “City”, regarding the requirements for annexation of a tract of land into the corporate limits of the City legally described as Lot 4A, Block 7 of the University Addition, Section 15, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and addressed as 1420 17th Ave Southwest, Great Falls, Montana 59404, hereinafter referred to as “Subject Property”. Owners of the aforementioned Subject Property agree to, and are bound by, the provisions of this Agreement, and by signing this Agreement, therefore agree to the 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 Owners, as required by the City's approval of the supporting documents. Generally, this Agreement:

1.1 Declares that the Owners are aware of and have properly accounted for any natural conditions that may adversely affect the Subject Property;

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

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

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

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

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

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

Attachment A

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

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

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

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

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

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

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

4.3 Storm Drain Fee. The Owners will pay a storm drain fee in the amount of \$250 per acre for annexation of the Subject Property. This equates to **\$85.00** for the total 0.34 acres of the Subject Property. The total storm drain fee shall be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

4.4 Payment of Application Fees Acknowledged. The following fees have been paid by the Owners: \$3,051.00 application fee for annexation and establishment of zoning.

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

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

6.1 Water Improvements. To serve the Subject Property, the Owners are required to connect to the existing water main located in 17th Avenue Southwest, under the terms and conditions of the City Utilities letter dated June 19, 2025.

Attachment A

6.2 Sewer Improvements. To serve the Subject Property, the Owners are required to abandon all drain fields and septic tanks per the Cascade County Health Department and City of Great Falls requirements and connect to the existing sewer main located within 17th Avenue Southwest under the terms and conditions of the City Sewer Line Installation Letter dated June 19, 2025.

6.3 Future Sewer Improvements. If a second dwelling unit is added to the Subject Property by request of the Owners, one service line is permitted to serve both dwelling units upon one lot as long as both dwelling units are on the same lots and under common ownership. A shared service line would not apply to any future dwellings or future subdivision requests that create separate lots upon the Subject Property.

6.4 Sidewalks. The Owners shall not be required to construct a sidewalk along 17th Avenue Southwest as a condition of this annexation. However, the Owners acknowledge that a sidewalk along 17th Avenue Southwest may be required in the future, but only in connection with a comprehensive sidewalk improvement project that includes construction of a continuous and integrated sidewalk system extending from the Subject Property along 17th Avenue Southwest to existing or planned pedestrian facilities on adjacent streets.

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

8. Special Improvement and Maintenance Districts. Owners hereby agrees to waive the right to protest and appeal the lawful creation, by the City, of special 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.

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

10. City Acceptance and Zoning. In consideration of the terms of this Agreement, the City hereby accepts the Subject Property incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned City zoning classification of R-3 Single-family High Density.

11. Public Infrastructure Improvements. The Owners agree to connect the Subject Property to the City's water and sanitary sewer systems in compliance with all applicable City design, construction, and connection standards in effect at the time of connection.

The Owners agree to pay its proportionate share of future improvements to 17th Avenue Southwest and 18th Alley Southwest, including grading, gravel, pavement, curb, gutter, and sidewalk, constructed to City local street standards. Payment shall be due only upon actual construction of the improvements and after written notice is provided by the City, including a breakdown of the estimated project costs and the method of cost allocation.

The Owners shall have the right to review and comment on the proposed cost allocation and may request a meeting with the City to discuss any concerns prior to final assessment.

Attachment A

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

The Owners shall indemnify, hold harmless and defend the City, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to the Subject Property described herein. This indemnification by the Owner shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City. Any obligation of the City shall be limited by the amounts set forth in MCA § 2-9-108.

Upon the transfer of ownership of the Subject Property, the prior owners (whether it is the Owners that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the Subject Property. Only the owners of the Subject Property, or Lot(s) contained therein, with adverse conditions at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost, is obligated to indemnify, and no owner of uninvolved lots is obligated to indemnify.

13. 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: (Seal of City)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT*:

David Dennis, City Attorney

Attachment A

*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.

Joseph Boso, Owner:

By: _____

State of _____)
:ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Twenty-five, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the person whose name is 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.

(NOTARIAL SEAL)

Notary Public for the State of _____

Jessica Boso, Owner:

By: _____

State of _____)
:ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Twenty-five, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the person whose name is 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.

(NOTARIAL SEAL)

Notary Public for the State of _____

Attachment B

BASIS OF DECISION – ANNEXATION

Lot 4A, Block 7 of University Addition, located in the SW 1/4 of the NW 1/4 of Section 15, T20N, R3E, P.M.M., Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

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

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

The subject property is contiguous to the existing City limits through the previously annexed 17th Avenue SW right-of-way.

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

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

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

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

The subject property is located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, nor any other Council within the City. Due to the Council being on summer recess, staff distributed information about the request in lieu of a formal meeting. No response or feedback was received from the Council.

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

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

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

The City currently has the capacity to provide public services to the subject property. The property lies within the service area of the City's Fire and Police Departments, ensuring adequate emergency response coverage. Additionally, the subject property is located in close proximity to existing City water and sanitary sewer infrastructure. Water and sewer mains are

Attachment B

present along 17th Avenue SW, directly adjacent to the property, which makes utility connection both feasible and cost-effective.

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

The subject property was previously developed under Cascade County jurisdiction may not fully conform to current City standards. Upon annexation, these existing nonconformities will be permitted to continue in accordance with City regulations. Future development or modifications to the property will be required to comply with the City of Great Falls Official Code of City Government (OCCGF) Title 17, Chapter 64 – Nonconformities.

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

An Annexation Agreement for the subject property is included as an attachment to the Agenda Report. This agreement outlines the property owner's responsibility for the cost of required improvements and includes provisions related to the formation of special improvement districts. The owner has agreed to waive the right of protest to the creation of such districts, if necessary, to fund public infrastructure improvements consistent with City standards.

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

The subject property was surveyed and officially recorded prior to this annexation petition as part of the University Addition. The recorded plat is on file with the Cascade County Clerk and Recorder's Office.

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

As previously noted, the City has the capacity to provide both water and sanitary sewer service to the subject property. Per an earlier agreement, the applicant was permitted to connect to the City's water and sanitary sewer system prior to the completion of annexation, with the condition that the property owner would disconnect from the City's system if annexation is not finalized. Acknowledgment letters outlining this condition were provided to the applicant by the Public Works Department and signed copies were returned for City records.

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

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

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

The subject property is located in unincorporated Cascade County and is not within the limits of any incorporated city or town.

Attachment B

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 agricultural, industrial, manufacturing, or related purposes. Its current use is residential, and it is surrounded by existing residential development.

BASIS OF DECISION – ZONING MAP AMENDMENT

Lot 4A, Block 7 of University Addition, located in the SW 1/4 of the NW 1/4 of Section 15, T20N, R3E, P.M.M., Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

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

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

The proposal to annex and establish R-3 Single-family high density zoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The proposed zoning map amendment specifically supports the following goals and policies:

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

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

The subject property is located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, nor any other Council within the City. Due to the Council being on summer recess, staff distributed information about the request in lieu of a formal meeting. No response or feedback was received from the Council.

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 proposed amendment is consistent with the City Commission's adopted planning documents, including the River Corridor Plan, Transportation Plan, and applicable sub-area plans. Although the subject property is not located within a designated sub-area or special planning district, the annexation of an existing residential home aligns with the City's overall land use objectives.

The annexation will require the installation of new water and sewer service lines connecting the property to existing mains; however, these typical utility connections are not anticipated to necessitate significant infrastructure expansion or increase demands on City services. Furthermore, the annexation is not expected to generate additional traffic.

Attachment C

4. The code with the amendment is internally consistent.

The proposed amendment to establish R-3 Single-Family High Density zoning is consistent with the existing City Code and aligns with the zoning of adjacent properties. The existing single-family home complements the surrounding neighborhood context, which is predominantly composed of similar single-family residences.

This proposal is not expected to negatively impact the use or enjoyment of neighboring properties, nor will it substantially diminish property values in the immediate area, as the subject property is an established residential use.

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

No existing public health, safety, or welfare concerns have been identified for the subject property. The proposed zoning amendment is therefore consistent with the least restrictive approach and is not anticipated to adversely affect these considerations.

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

The City currently possesses, and will continue to maintain, the necessary financial resources and staffing capacity to effectively administer and enforce the proposed amendment. The subject property's use is consistent with the proposed zoning designation, and no additional public infrastructure improvements are required to support this change.

Planning & Community Development
Room 112



2 Park Drive South
Great Falls, MT 59403

June 19, 2025

Joseph & Jessica Boso
3 Scenic Valley Lane
Cascade, MT 59421

Subject: Connection to City Water and Sewer Main and Annexation – 1420 17th Ave SW.

Dear Property Owner:

The City of Great Falls will allow connection to the City's sewer and water mains prior to the completion of annexation for the property located at 1420 17th Ave SW. All work must be performed by a licensed contractor who complies with the City's standards and obtains all required permits.

This early connection is being authorized based on the property owner's commitment to proceed with and complete the annexation process. If, for any reason, the annexation is not finalized, the property owner will be required to disconnect from the City's sewer and water systems. Any such disconnect must be completed at the property owner's expense.

Please sign and return the attached acknowledgement at your convenience.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jake McKenna".

Jake McKenna
Utilities Systems Manager

Cc: Kayla Kryzsko, Planning and Community Development

Planning & Community Development
Room 112



2 Park Drive South
Great Falls, MT 59403


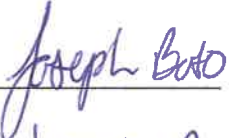



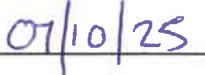
We, Joseph & Jessica Boso, agree to the terms set forth below:

The City of Great Falls will allow connection to the City's sewer and water mains prior to the completion of annexation for the property located at 1420 17th Ave SW. All work must be performed by a licensed contractor who complies with the City's standards and obtains all required permits.

This early connection is being authorized based on the property owner's commitment to proceed with and complete the annexation process. If, for any reason, the annexation is not finalized, the property owner will be required to disconnect from the City's sewer and water systems. Any such disconnect must be completed at the property owner's expense.

By signing below, you are agreeing to these terms.

Designee signature:

	
Signature:	
	
Print Name:	
	
Date:	

Please return to: City of Great Falls
P.O. Box 5021
Great Falls, MT 59403

Attn: Kayla Kryzsko, PCD



Location Map



1420 17th Ave SW

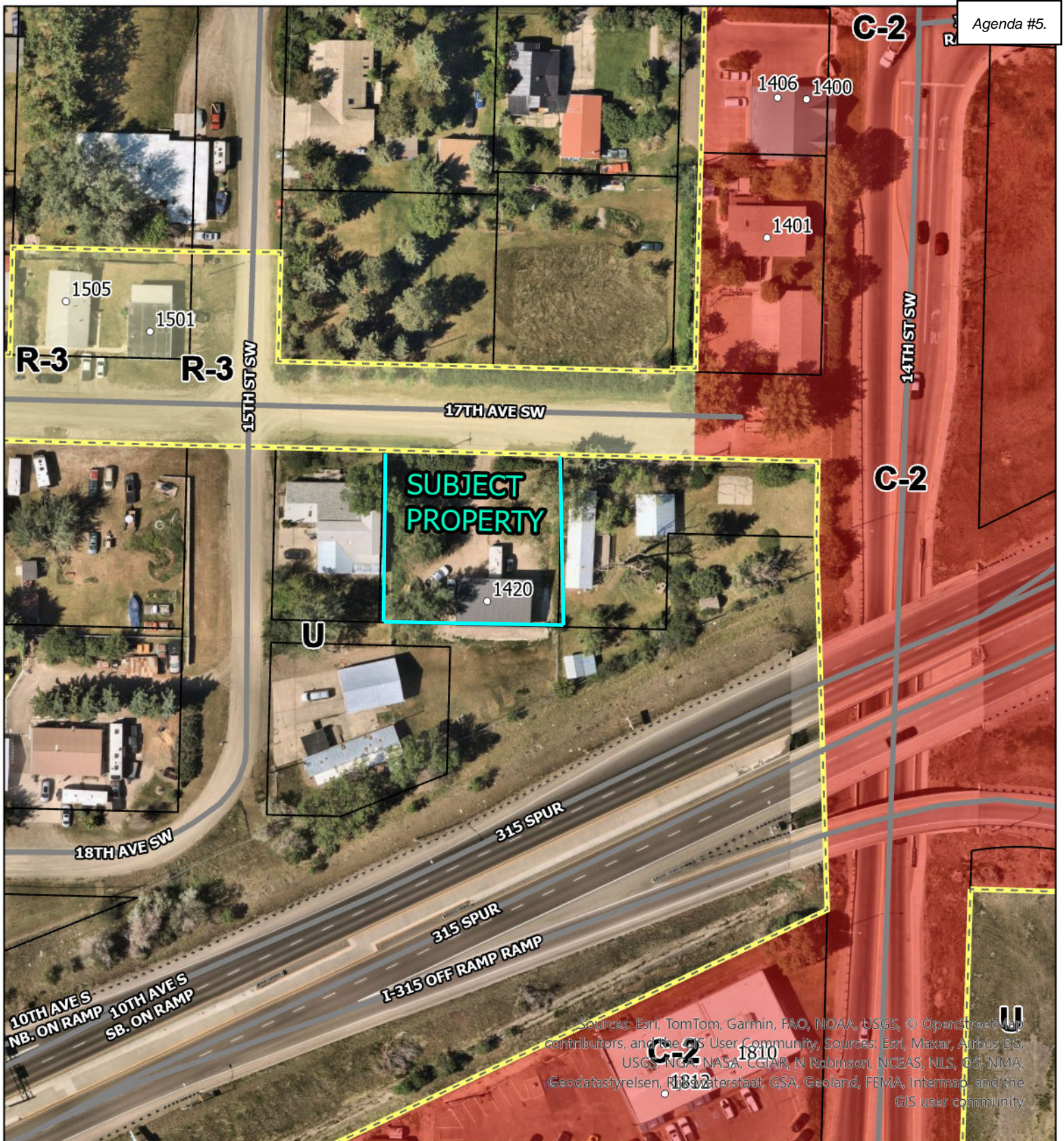
○ City Addresses

--- City Limit

□ Parcels



0 50 100 200 Feet



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS, USGS, NOAA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NIMA, Geodaststyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

Zoning Map



1420 17th Ave SW

○ City Addresses

--- City Limit

□ Parcels



0 55 110 22 27 Feet