



**Planning Advisory Board/Zoning Commission  
Agenda  
2 Park Drive South, Great Falls, MT  
Commission Chambers, Civic Center  
January 10, 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 10, 2023 to: [jnygard@greatfallsmt.net](mailto: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. Role 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 - December 13, 2022

**BOARD ACTIONS NOT REQUIRING PUBLIC HEARING**

5. Election of Officers for 2023

6. Motion to Rescind 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.

## **BOARD ACTIONS REQUIRING PUBLIC HEARING**

7. Public Hearing – Annexation of Tract 1 of Certificate of Survey No. 5337 Located in the NW1/4 of Section 3, T20N, R3E, P.M.M., Cascade County, Montana; and establishment of City zoning classification of M-2 Mixed-Use Transitional

## **COMMUNICATIONS**

8. January 24, 2023 Meeting - Discovery Meadows - Zoning and Major Subdivision

## **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 3:00 p.m. in the Commission Chambers at the Civic Center

**ROLL CALL & ATTENDANCE**

**UPDATES CONCERNING PROCESS OF MEETINGS**

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

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  - Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, December 13, 2022 to: [jnygard@greatfallsmt.net](mailto:jnygard@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

**Planning Board Members present:**

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Lindsey Gray

Pat Green

Samantha Kaupish

Chuck Pankratz

Minutes of the December 13, 2022

Planning Advisory Board Meeting

Page 2

**Planning Board Members absent:**

Kelly Buschmeyer

**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

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 November 22, 2022. Seeing none, the minutes were approved.

**COMMISSION ACTIONS REQUIRING A PUBLIC HEARING**

**Zoning Map Amendment for Tract 1 and Tract 2 pf Dick's Addition, NE ¼ of Section 15, T20N, R3E, P.M.M., Cascade County, Montana from R-10, Mobile Home Park to R-6 Multi-family High Density; and Minor Subdivision, An Amended Plat of Tract 2 of Dick's Addition, NE ¼ of Section 15, T20N, R3E, P.M.M., Cascade County, Montana.**

Brad Eatherly, Planner II, presented to the Commission. He gave some background on the subject property and stated that the property has been used as an RV park for several decades.

Minutes of the December 13, 2022

Planning Advisory Board Meeting

Page 3

The applicant is proposing a 513 unit apartment complex. The land use of Multi-family Residence requires a Zoning Map Amendment in order to accommodate an apartment complex. Mr. Eatherly stated that the subject property is approximately 16.7 acres. Tract 2 is 14.08 acres and Tract 1 is 1.9 acres. Tract 2 is proposed to be subdivided into two lots for financing purposes.

Mr. Eatherly presented an Aerial Map, Zoning Map, Site Photos, Draft Amended Plat, and a rendering of the potential project.

Mr. Eatherly stated that the current zoning for the subject property is R-10 Mobile Home Park. The land use of Campground is not allowed in R-10, but because it has been an RV park for many years, it is currently considered a Legal, Nonconforming Use as it sits. R-6, Multi-family, High Density zoning allows for the proposed apartment complex.

Mr. Eatherly stated that Tract 1, across 13<sup>th</sup> Avenue Southwest and next to the Sun River, will not be developed upon. Tract 2 encompasses 14.08 acres. He stated that the City zoning districts of POS, C-1, C-2, R-1, R-1, PUD, and County zoned enclaves surround the property. The developers will have to address floodplain issues for any improvements within the boundary.

Mr. Eatherly stated that emergency access off of 6<sup>th</sup> Street Southwest has been granted by the Montana Department of Transportation (MDT) and that the design has yet to be approved by MDT and the City. Mr. Eatherly introduced Andrew Finch to discuss the traffic study that was required for the project.

Mr. Finch presented the Traffic Impact Study from Sanderson Stewart which can be found in the Agenda Packet at <https://mccmeetings.blob.core.usgovcloudapi.net/greatfls-pubu/MEET-Packet-2b8b8d493d22404bba20298fe17a47de.pdf>.

Mr. Finch stated that there will be two accesses to the subject property, off of 13<sup>th</sup> Avenue Southwest.

Mr. Finch presented the Trip Generation Summary and the Crash History – Collision Type. He stated that the crash history suggests that there is existing concerns at the westbound off-ramp of I-315, and MDT should consider extending the off-ramp distance, which is also a recommendation in MDT's I-15 Corridor Study. The existing southbound left turn bay of 14<sup>th</sup> Street South at the eastbound on-ramp is insufficient. He stated that adding traffic from the proposed project will not affect the capacity of the already inadequate turn bay. He stated that all studied intersections will function at Level-of-Service "C" or better, with most at a "B". He stated that except for the already mentioned existing deficiencies, the street network has sufficient capacity to accommodate the projected growth in traffic that would result from the project.

Mr. Finch stated that stop signs should be placed on the subject property where drivers are turning onto 13<sup>th</sup> Avenue Southwest. The City of Great Falls should monitor traffic volumes at 14<sup>th</sup> Street Southwest and 13<sup>th</sup> Avenue Southwest for implementation of multi-way stop control. He stated that the lack of pedestrian/bicycle facilities should be addressed through dedication of

a 20 foot trail easement on the south side of Lot 1. The required conversion of the existing trail to an emergency access/egress onto 6<sup>th</sup> Street Southwest must fully address MDT's and the City's requirements and be designed to safely accommodate future trail use.

Mr. Eatherly presented the off-site public improvements:

- There may be a potential need to connect the project's water main extension to the existing main on 14<sup>th</sup> Street Southwest.
- An improvement of pavement conditions of 13<sup>th</sup> Avenue Southwest will be likely, especially after construction.
- There is a need to connect the path off of 6<sup>th</sup> Street Southwest through the site, allowing for better bike and pedestrian access to the surrounding area.

Mr. Eatherly stated that staff recognizes that the zone change will create a zoning district that is not contiguous to other lots with the same designation and that the spot zoning must be addressed. He stated that the subject property is bordered by several other zoning districts, a railroad line, and county enclaves.

Mr. Eatherly stated that staff believes R-6 zoning is appropriate for the following reasons:

- The property is already zoned R-10, which allows a different form of multi-unit development.
- The property borders two busy roadways and has commercially zoned property to the south. Low density residential development is less attractive.
- There is no ability to access busy roadways other than emergency services. The lack of easy access makes non-residential development much less feasible

Mr. Eatherly stated that the proposed 2-lot subdivision for the project is considered to be a subsequent Minor Subdivision because the existing lot has been subdivided in the past. Subsequent Minor Subdivisions are required to have a public hearing at the Planning Board level. The project will still go before the City Commission, but because of the rezone request, it will be rolled into a public hearing at that level. Mr. Eatherly stated that both lots meet the dimensional standards as set forth in OCCGF Title 17 Exhibit 20-4 and that the trail will need to be continued to the western edge of the property. Mr. Eatherly stated that future development and use of Tract 1 must comply with all floodplain requirements. Prior to issuance of a building permit for development of Tract 2, the applicant must receive approval from MDT and the City of Great Falls for emergency access from 6<sup>th</sup> Street Southwest.

Mr. Eatherly highlighted a few criteria for the Findings of Fact for Rezone:

1. The rezoning is consistent with and furthers City's Growth Policy:
  - SOC1.4.1 Work with Private sector to increase housing opportunities in the City
  - PHY4.1.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work
  - PHY4.3.0 Optimize the efficiency and use of the City's Public facilities and utilities
2. The rezoning is consistent with other planning documents adopted by the City Commission

- The eastern portion of the property is located at the Southeast edge of the study area for the City's Missouri River Corridor Master Plan.
- No specific recommendations for the subject site.
- The general goals of creating more density along Sun River corridor and more potential usage of the City's trail system are consistent with the Corridor Plan.

Mr. Eatherly highlighted a few of the Findings of Fact for Subdivision:

1. Effect on Local Services:
  - Services are existing but the water main may need to be extended/looped
2. Effect on Natural Environment:
  - Not expected to adversely affect soils or water quality or quantity of surface or ground waters. Issue of Sun River's impaired water quality will be addressed
3. Effect on Public Health and Safety:
  - No negative effect, lots have public street access and City utilities.

Mr. Eatherly stated that staff recommends approval of the zoning map amendment and minor subdivision.

## **APPLICANTS PRESENTATION**

Robbie Osowski from the engineering firm Woith Engineering, was available for any questions.

## **BOARD QUESTIONS**

Mr. Pankratz asked if there was a noise study that could be done for projects like the one being presented. Mr. Micuda responded that there isn't anything in the zoning code that requires noise studies except for projects located in heavy industrial zones.

Mr. Bertelsen asked if the proposal was presented to Neighborhood Council #1. Mr. Eatherly responded that the proposal would be presented on December 13, 2022 and the recommendation from the Council will be provided in the report to City Commission.

Mr. Bertelsen asked Mr. Finch to explain how the traffic study states that the traffic will be similar before and after the project. Mr. Finch responded that the similarity will be in regards to service. Level of service "B" has a range of delays. There will be an increase in delay but it is not enough to move the level of service to a "C" or worse. It will not worsen the functionality of the intersections enough to be overly perceptible by the general public at peak hours, in most instances.

Minutes of the December 13, 2022

Planning Advisory Board Meeting

Page 6

Mr. Bertelsen stated that he feels that there are a lot of unanswered or open ended questions. Mr. Micuda responded that staff does know that emergency service is required and MDT will be approving it, subject to design, to address issues with Fire Department access into the site. There is a small strip of median on 6<sup>th</sup> Street Southwest that needs to be dealt with to create an opening as well as accommodating the current path use. Mr. Micuda stated that there will be an increase in the number of vehicles but not in the service.

Mr. Pankratz asked when the Traffic Impact Study was done. Mr. Micuda responded that it was around September 2022.

Ms. Kaupish asked what the timeline was for the project and if it will be built in phases. Mr. Osowski, Woith Engineering, stated that the plan would be to start in late summer 2023 with the first two buildings on the east side and the club house in the center.

Mr. Pankratz asked if other sites were looked at for the project. Mr. Osowski responded that Woith Engineering was not the developer.

Mr. Bertelsen asked if the trees that are on the site will remain there. Mr. Osowski responded that they are going to try and keep as many as they can.

Mr. Mills asked if the property remained R-10, if it could be turned into a mobile home park. Mr. Eatherly responded yes.

Ms. Gray asked if the road underneath the railroad tracks, going to the property on 13<sup>th</sup> Avenue Southwest, was going to be widened. Mr. Eatherly responded that it is currently as wide as it can be, as the piers that hold the railroad tracks are narrow.

Mr. Bertelsen asked if there was curb and gutter all the way down 13<sup>th</sup> Avenue Southwest. Mr. Eatherly responded that it is just paved with no curb and gutter but that the developer is proposing to add curb and gutter to what abuts the subject property.

## **PUBLIC QUESTIONS**

Bill Stanich, 32 Treasure State Drive, asked if the proposed project was going to be the largest apartment complex in Great Falls and if it was going to be the largest apartment complex on the smallest lot in Great Falls. Mr. Stanich also asked if crime studies are done with a complex of the proposed size. Mr. Micuda responded that the proposed apartment complex would be the largest that he's reviewed in his six years in Great Falls. Mr. Micuda responded that he can't respond to the need for a crime study as it is not required in the zoning code.

Tom Mathews, 2000 Centennial Drive, stated that there have been three major accidents during the summer at the on-ramp and he wanted to know if that information was in the traffic study. Mr. Finch responded that the crashes would not be in the statistics as the information would not have hit the data base yet. The crashes in the Traffic Impact Study went through 2020.

## OPPONENTS

Joe Murphy, 1324 13<sup>th</sup> Avenue Southwest, Big Sky Civil, stated that his office is right by the railroad tracks, by the proposed project site. He is concerned about the traffic. He has been in the area for over eight years and has seen many conflicts between vehicles. He stated that the traffic impacts of the existing businesses that are in the area are not addressed enough in the Traffic Study. Old Dominion is right there and they have a number of semi-trucks going up and down the street. Many times the semis have a hard time turning around and it backs traffic up on both sides. The bar that is in the area also has concerts several days a week and traffic gets backed up. He stated that several kids walk and ride their bikes and there is no path for them to go on. He said the road under the railroad track does not support two vehicles to pass. There is no sight distance from his office when there is traffic coming from the other side of the railroad tracks. He is pro-development, but wants to make sure that the Traffic Impact Study is accurate and that issues are properly addressed.

## PROPOSERS

Jake Clark, 405 3<sup>rd</sup> Street Northwest, Great Falls Development Authority, stated that the need for housing in Great Falls is great and developing and redeveloping infill multi-family projects is a piece of the puzzle to meeting the demand.

## BOARD DISCUSSION AND ACTION

Mr. Bertelsen stated that he is pro-development for the community, but the best use of a property needs to be looked at. He stated that he disagreed with the City Staff's analysis on the appropriateness of the zoning request.

Mr. Mills responded that if the owner wanted to, as it sits right now, he could move trailers into the property.

Mr. Pankratz stated that he would like to ask the developer what other sites that were looked at for the project. Mr. Raymond responded that it is not for the board to speculate on other sites and just focus on what is being presented.

Mr. Bertelsen stated that he would have a hard time voting without the Neighborhood Council #1's input.

Mr. Green stated that he is concerned about the single access on 13<sup>th</sup> Avenue Southwest. Mr. Micuda responded that staff looked hard for another point of access and there isn't one.

Mr. Green was concerned about the emergency services access. It would take some time for the Fire Department to access the development from Fire Station 4, and the next option would be

Minutes of the December 13, 2022

Planning Advisory Board Meeting

Page 8

from the Station at the Northwest Bypass. Mr. Micuda responded that there will be access from 6<sup>th</sup> Street Southwest due to a median opening that would be required for emergency vehicles coming from the south.

Ms. Kaupish stated that she agreed with Mr. Bertelsen to wait for the input from Neighborhood Council #1.

**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: Mr. Pankratz

**VOTE:** 3 – 3, Motion Failed

**MOTION:** That the Zoning Commission table the Zoning Map Amendment until January 10, 2023.

Made by: Ms. Kaupish

Second: Ms. Gray

**VOTE:** 5-1, Motion Passed

Mr. Raymond noted a concern from City staff that the impact of the first motion [3-3 vote] might not have been properly addressed prior to the second motion being made. He informed the Board that Mr. Dennis will need to determine whether the outcome of the first motion was properly dealt with by the Commission.

**MOTION:** That the Planning Advisory Board table the Minor Subdivision until January 10, 2023.

Made by: Ms. Kaupish

Second: Ms. Gray

**VOTE:** 5-1, Motion Passed

Minutes of the December 13, 2022

Planning Advisory Board Meeting

Page 9

## COMMUNICATIONS

Mr. Micuda stated that the City Commission ratified the vote from the Planning Board for Pat Green to serve another term. City Commission also voted to appoint Julie Essex to the Planning Board as a new member, even though the Planning Board had voted to table her application until more members were present to vote. Ms. Essex will start in January.

Chuck Pankratz will no longer be on the Planning Board as of January 1, 2023. Staff and Board members thanked him for serving.

Mr. Raymond stated that there will be no meeting on December 27, 2022 and the first meeting on January 10, 2023 will have election of officers for the New Year.

## PUBLIC COMMENTS

None.

## ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 4:20 p.m.

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CHAIRMAN

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SECRETARY



Meeting Date: January 10, 2023

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

**Item:** Motion to Rescind 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.

**Initiated By:** Brad Eatherly, Planner II, Planning and Community Development

**Presented By:** Craig Raymond, Director, Planning and Community Development

**Action Requested:** Rescinding December 13, 2022 decision on Zoning Map Amendment and reopen discussion on Zoning Map Amendment to rezone Tract 1 and Tract 2 of Dick's Addition, NE ¼ of Section 15, T20N, R3E, P.M.M., Cascade County, Montana from R-10, Mobile Home Park to R-6 Multi-family High Density and Minor Subdivision; present sufficient Findings of Fact and vote on Zoning Map Amendment and Minor Subdivision.

**Suggested Action:**

1. Dissenting Commissioner moves:  
 "I move the Zoning Commission (rescind/not rescind) the Commission's prior action resulting in a tie vote on Zoning Map Amendment."
2. Chairman calls for a second, discussion, and calls for the vote (must be affirmative vote of four commissioners).  
 And
3. If Motion fails, no further action is taken and December 13, 2022, decision stands; or
4. If Motion is successful, then:
  - a. Commission/Board conducts additional discussion of factual bases for Staff Recommendation on Zoning Map Amendment;
  - b. Calls for Public Comment; and
  - c. Calls for the motions on Zoning Map Amendment and Minor Subdivision, as follows:

**Suggested Motion:**

Commissioner moves:

- I. “I move that the Zoning Commission recommend the City Commission (approve/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.”

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

And;

Board Member moves:

- II. “I move that the Planning Advisory Board recommend the City Commission (approve/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.”

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

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### **Background:**

At the December 13, 2022 combined Planning Board/Zoning Commission meeting, a public hearing was conducted and a vote was held on the Zoning Map Amendment to rezone Tract 1 and Tract 2 of Dick’s Addition, from R-10, Mobile Home Park to R-6 Multi-family High Density. The vote resulted in a 3-3 tie vote, with one commissioner absent. As a result, the Zoning Map Amendment failed to have an affirmative vote to make a recommendation to the City Commission. Before the vote, after lengthy discussion regarding the application, several commissioners expressed that they would like to have input from Neighborhood Council #1 prior to making a recommendation; however, when the vote was called, instead of tabling the issue for a further development of the record, three voted against the Zoning Map Amendment, resulting in a tie vote and denial recommendation. This was not the intended result, as immediately after the vote, a second motion was approved with a 5-1 vote to table the item to the Commission’s January 10, 2023 meeting.

Montana law contains certain requirements regarding the provision of detailed findings as to why an application for development is approved or denied. Detailed Findings of Fact were recommended by City Staff and attached to the December 13, 2022 Agenda Report. The record of discussion and vote does not contain sufficient detail for a denial, and should be reopened to consider acceptance or rejection and revision of the City Staff proposed findings.

If the Zoning Commission votes to rescind its prior action, it should further develop the consideration of the issue at the December 13, 2022 meeting via question and answer between the Commission City Staff, and the applicant, with an opportunity for public comment before Commission voting. After such discussion, the Commission may:

1. Maintain its denial of the Zoning Map Amendment and reject the Staff Findings of Fact. If so, the commission must present alternative Findings of Fact consistent with Montana law and the Official Code of the City of Great Falls; or
2. Alternatively if the Commission recommends approval of the Zoning Map Amendment, it will accept and adopt the City Staff’s Findings of Fact as attached to Agenda Item 5 on the December 13, 2022 combined Planning Board/Zoning Commission agenda.
3. The Commission, in its role as the Planning Advisory Board, must also make a recommendation on the applicant’s Minor Subdivision request.

Any findings must reasonably support the Commission's decision on the development as it relates to the impact on agriculture, agriculture water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety; compliance with survey requirements, local subdivision regulations and review; and the provision of easements and access. If not, the decision is subject to an appeal for failure to have such detail.

**Neighborhood Council Input:**

At its regular meeting on December 13, 2022, Neighborhood Council #1 voted 3-1 to recommend approval of the Zoning Map Amendment and the Minor Subdivision. Several members of the public had questions about traffic and whether the apartments were to be low-income or market-rate rentals. The one dissenting vote from the Council based his vote on concerns of traffic, although he stated he had several concerns that he did not specify about.

**Alternatives:**

The Zoning Commission could maintain the decision as set forth on December 13, 2022; however, failure to rescind and/or further develop a record of denial may subject the denial to judicial review.

**Attachments/Exhibits:**

Agenda Item 5 from December 13, 2022 combined Planning/Board/Zoning Commission Agenda with all attachments.



Meeting Date: December 13, 2022

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

**Item:** Public Hearing –Zoning Map Amendment for Tract 1 and Tract 2 of Dick’s Addition, NE ¼ of Section 15, T20N, R3E, P.M.M., Cascade County, Montana from R-10, Mobile Home Park to R-6 Multi-family High Density; and Minor Subdivision – An Amended Plat of Tract 2 of Dick’s Addition, NE ¼ of Section 15, T20N, R3E, P.M.M., Cascade County, Montana.

**Initiated By:** Jesse Craig, Craig Development

**Presented By:** Brad Eatherly, Planner II, Planning and Community Development

**Action Requested:** Recommendation to the City Commission

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**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:**

Board Member moves:

- I. “I move that the zoning commission recommend the City Commission (approve/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.”

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

And;

Board Member moves:

- II. “I move that the Planning Advisory Board recommend the City Commission (approve/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.”

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

**Background:**

The applicant is proposing to re-develop the subject property, which contains a 14.8 acre parcel (Tract 2) and a 1.9 acre parcel (Tract 1). The property has existed as an RV Park for several decades. The applicant is under contract to purchase the property pending the zone change and subdivision. If the applicant's proposal is approved, the proposed development will include 513 apartment units on Tract 2 with a clubhouse with indoor and outdoor amenities. Tract 1 which borders the Sun River will only be used as a park with outdoor amenities.

**Zoning Map Amendment Request:**

The current zoning for the property is R-10, Mobile Home Park. The existing land use of Campground is not allowed in the R-10 zoning district. However, the land use is considered a legal, non-conforming land use since it has been utilized for several decades. The applicant is requesting to change the zoning district from R-10, Mobile Home Park to R-6, Multi-family High Density. This would allow the applicant to construct the proposed apartment buildings on the property. The applicant is proposing to build 5 buildings with four levels of housing and a main level of parking. The subject property is located upon two separate lots, both of which will be rezoned. Tract 1 is an undeveloped piece of land that buffers the Sun River. Although the applicant is proposing to change the zoning of this lot, it is a lot that is undevelopable because of floodplain restrictions. A portion of the northwest corner of Tract 2, which is the lot that is being proposed to be built upon, is also in the floodplain as well. If any construction takes place in the floodplain portion of Tract 2, the applicant will have to adhere to all floodplain regulations.

Access for the proposed development will come from 13<sup>th</sup> Avenue Southwest. This is the same street that currently provides access to the RV Park. A Traffic Impact Study was conducted by the City's 3<sup>rd</sup> party engineering firm, Sanderson Stewart that breaks down the impact that the proposed multi-family development will have on the local traffic infrastructure. Included with the traffic considerations was a request to the Montana Department of Transportation to allow for emergency ingress and egress from 6<sup>th</sup> Street Southwest into the east side of the property. The location of this emergency access location is about 250 feet north of the Country Club Boulevard and Fox Farm Road intersection. This is just north of Tract 2 on land owned by the MDT. Currently, there is a 12 foot wide pathway connecting the RV Park to a multi-use trail that runs along 6<sup>th</sup> Street Southwest.. This emergency access, which is required by the Fire code to provide a second means of ingress and egress into the proposed apartment, has been approved by MDT. The applicant's installation of this emergency access is a condition of approval for the proposed rezoning request. Prior to any building permit issuance, the applicant must still work through issues such as compliance with floodplain requirements, making sure that the original purpose of the connection (bicycle/pedestrian access to the trail) is still provided, as well meeting Fire Department needs for accessibility from Fire Station 4. Currently, access into this property from Fire Station 4 is blocked by a narrow raised median.

Utility improvements include the extension of the nearby water and main. Water will be extended from the twelve inch main that is currently dead-ended at the intersection of 6<sup>th</sup> Street Southwest and Country Club Boulevard. The water main will follow the right-of-way of 13<sup>th</sup> Avenue Southwest to the western property line of the proposed development. Further connection of the water main to the intersection of 13<sup>th</sup> Avenue Southwest and 14<sup>th</sup> Street Southwest to create a looped network may be required based on finalized details with the City's Public Works and Engineering Departments. Sanitary sewer will be extended into the proposed development from the existing 18 inch main that is within the right-of-way of 13<sup>th</sup> Avenue Southwest.

Stormwater throughout the development will be conveyed internally with various surface flow options including curb and gutter, valley gutters, and asphalt improvements. Also, a series of internal stormwater pipes will convey all stormwater runoff to a centralized point of discharge. This water will be treated for the entire development before being discharged into the Sun River. The Sun River is considered an impaired waterway for nitrogen and phosphorus, which will make water quality treatment an important development consideration.

### **Staff Analysis:**

#### ***Appropriateness of Requested Zoning Designation***

City Staff recognizes that the zone change request will create a zoning district that is not contiguous to other lots with the same zoning designation. As a result, the question of whether the request is a spot-zoning must be addressed. The subject property is bordered by several zoning districts including C-2 (General Commercial) to the west, R-2 (Single-family Medium Density) and C-1 (Neighborhood Commercial) to the south and across Country Club Boulevard, POS (Parks and Open Space) to the north and east across from 6<sup>th</sup> Street Southwest, R-1 (Single-family Suburban) and PLI Public Lands and Institutional) north of the Sun River. The subject property is also bordered by a railroad line and unincorporated enclaves within Cascade County jurisdiction to the west and north of the Sun River. City Staff believes that the applicant's request for R-6 zoning is an appropriate designation for the subject property for the following reasons:

- The property is already zoned R-10, which currently allows a different form of multi-unit development – Mobile Home Park. The current use of the property is also a different form of higher density housing.
- The property borders an active rail line, two extremely busy roadways, and commercially zoned property to the south. This makes low density residential development less attractive.
- Although the property borders two very busy roadways, there is no ability to access these roadways for anything other than emergency service. This lack of easy access makes non-residential development much less feasible.

Staff concludes that high density residential zoning is an appropriate designation of the property, with the only concern being that the property is in a relatively isolated location because of its limited street access. These considerations are further discussed below.

#### ***Emergency Access and Traffic Impacts***

In order to develop the subject property as proposed, the property's limited access needed to be addressed. As noted previously, the subject property currently has one vehicular access from 13<sup>th</sup> Avenue Southwest. Great Falls Fire and Rescue indicated that a second access point would be needed to comply with International Fire Code. The applicant has been given permission from Montana Department of Transportation to utilize an existing trail access off of 6<sup>th</sup> Street Southwest. This access will have to be modified to allow Great Falls Fire Rescue trucks access to the property as well as continuing to provide a trail for the community. Because of the potential of flood water on this access drive, there is the possibility that it will have to be raised so that emergency vehicles can enter into the site without concern of flood waters. The design of the emergency access, and what it will look like coming off 6<sup>th</sup> Street Southwest, has yet to be approved. This will have to be approved by MDT before a building permit can be issued.

With regards to the project's traffic impacts, the required traffic study is being provided as an attachment to this agenda report. The study determined that despite the increase in traffic that the project will generate at several key intersections, including the exit ramps off of Country Club Boulevard and

14<sup>th</sup> Street Southwest as well as the intersection of 14<sup>th</sup> Street Southwest and 13<sup>th</sup> Avenue Southwest, the future capacity results are very similar to the existing results. The study determined that all intersections and approaches are projected to operate at Level of Service C or better during both AM and PM peak hours. The study concludes that the proposed River's Edge Apartments will generate moderately increased traffic demand on area streets and intersections. It is estimated that although approximately 2,329 gross trips could be generated daily, the nearby exit ramps and streets will still be adequate because baseline traffic is relatively low. The study recommends that stop signs be located on site from the proposed apartment complex as drivers will be turning onto 13<sup>th</sup> Avenue Southwest. It also recommends that the City of Great Falls should monitor traffic volumes and patterns at the 14<sup>th</sup> Street Southwest/13<sup>th</sup> Avenue Southwest intersection for implementation of multi-way stop control. Currently, 14<sup>th</sup> Street Southwest stops for traffic coming from 13<sup>th</sup> Avenue Southwest.

### ***Possible Off-site Public Improvements***

The applicant has indicated that off-site public improvements will be needed for both the project as well as improvement to the larger area west of the subject property. Staff has also identified the potential need to connect the project's water main extension to the existing main on 14<sup>th</sup> Street SW. The developer believes the project's potential construction will lead to the need to improve the pavement condition of 13<sup>th</sup> Avenue Southwest, which is both in City and County jurisdiction. There is also a desire to connect the path off 6<sup>th</sup> Street Southwest, through the site, with a long-term goal of providing better bicycle and pedestrian access to the Marketplace commercial development. The applicant, in conjunction with Great Falls Development Authority, has conducted a blight study to determine if the project site and surrounding vicinity could be considered for an Urban Renewal District. This potential request does not need to be addressed by the Planning Advisory Board, but is being discussed between City staff, GFDA, and the applicant.

The basis for a decision on zoning map amendments, i.e. rezoning or zone changes, is listed in the Official Code of the City of Great Falls (OCCGF) §17.16.40.030. 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. The attached Findings of Fact are included as an attachment to this report.

### **Minor Subdivision:**

In addition to the rezoning request, the applicant is requesting a subsequent minor subdivision. This means that the subject property has previously been subdivided in the past. A minor subdivision does not typically require a public hearing, but when a subsequent minor subdivision is requested, a public hearing must be held in front of the Planning Board/Zoning Commission. While both Tract 1 and Tract 2 of Dick's Addition will be rezoned, only the 14.8 acre Tract 2 will be constructed upon. The applicant is proposing to only subdivide Tract 2 and rename the plat into River's Edge Subdivision. After subdivision, the 14.8 acres would be divided into a western parcel of 5.02 acres and an eastern parcel of 9.77 acres. Both lots meet the dimensional standards as set forth in the Official Code of the City of Great Falls (OCCGF) in Exhibit 20-4 of Title 17. The proposed subdivision is being done strictly for phasing and financial purposes. The only issues that will need to be addressed for the subdivision are making sure the floodplain boundary on the northwest portion of the site is clearly identified as well as insuring that appropriate parking and cross-access arrangements are identified on the plat.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated (MCA), is consistent with the City's zoning regulations and is in the public interest. Staff has reviewed the proposed project in relation to the City's zoning regulations. In addition, Staff

developed Findings of Fact for the proposed subdivision and concludes the subdivision meets the requirements provided by 76-3-608(3) MCA. The full Findings of Fact are included as an attachment to this report.

**Neighborhood Council Input:**

At the time of this report, Neighborhood Council #1 has not been able to meet in order to consider the proposed actions. The council is scheduled to meet on December 13, 2022. Any recommendations the council makes at that time will be included in future agenda reports.

**Concurrences:**

Representatives from the City's Public Works Department and Fire Department have been involved in the review process for these applications.

**Fiscal Impact:**

The construction of the apartment complex, which will be allowed if the subdivision and rezoning requests are approved, will substantially increase the tax base for the City by providing 513 new apartment units.

**Staff Recommendation:**

Staff recommends approval of both the Subsequent Minor Subdivision and Zoning Map Amendment of the subject property with the following 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. Amended Plat.** Provide a revised Amended Plat of the subject properties which shall be in compliance with survey requirements of this Title and State law and incorporate corrections of any errors or omissions noted by Staff. The applicant is also required to dedicate easements for utilities to the satisfaction of the City's Public Works Department. The applicant is also required to dedicate an easement for a 20-foot wide trail easement. Said easements must be submitted to the City Commission for approval at the same time as the minor subdivision.

**3. Land Use & Zoning.** The development standards and land uses for the subject properties shall be consistent with the OCCGF.

**4. Subsequent modifications and additions.** If after establishment of the zoning, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

**5. Floodplain Considerations.** Future development and use of Tract 1 must comply with all floodplain requirements.

**6. Emergency Access.** Prior to the issuance of a building permit for development of Tract 2, the applicant must receive approval from the Montana Department of Transportation and the City of Great Falls for emergency access from 6<sup>th</sup> Street Southwest.

**Alternatives:**

The Planning Advisory Board/Zoning Commission could recommend denial of either the Minor Subdivision or the Rezone request, or both. For any of these actions, the Planning Advisory Board/Zoning Commission must provide separate findings of Fact/Basis of Decision to support any alternative decision.

**Attachments/Exhibits:**

Findings of Fact – Subdivision  
Findings of Fact – Zoning Map Amendment  
Applicant Narrative – Subdivision  
Applicant Narrative – Zoning Map Amendment  
Aerial Map  
Zoning Map  
Draft of Amended Plat  
Proposed Site Plan  
Traffic Impact Study  
Rendering

## Findings of Fact – Zoning Map Amendment

Tract 1 and Tract 2 of Dick's Addition, located in the Northeast one-quarter of Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, 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 furthers 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 R-10, Mobile Home Park, to R-6, Multi-family, High Density will allow the applicant to construct an apartment complex. A land use of Multi-family residential is not allowed in the R-10 zoning district. This will allow 513 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. The subject property is located in Neighborhood Council #1. The applicant has provided Council #1 with all pertinent information. 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 from either notified owners or Council #1. The request will be discussed at the December 13 Council meeting, so this criterion will be updated as needed for 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. Since the future development is at the conceptual stage, review of the consistency with other planning documents is not applicable at this time. The eastern portion of this property is located at the very southeast edge of the study area for the City's Missouri River Corridor Master Plan. The Plan has no specific recommendations for this site, but the general goal of creating more density along the Sun River corridor and more potential usage of the City's trail system on 6<sup>th</sup> Street Southwest are consistent with this 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. It should be noted that the nearby Sun River is impaired for nitrogen and phosphorus, so additional water quality design measures will be needed to mitigate the development impacts of higher density development. Additionally, the emergency service access requirement associated with higher density zoning and development must be implemented in order for this criterion to be addressed.

**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/BASIS OF DECISION – MONTANA SUBDIVISION AND PLATTING ACT**

A Minor Subdivision of Tract 2 of Dick's Addition, located in the Northeast one-quarter of Section 15, Township 20 North, Range 3 East, P.M.M., City of Great Falls, Cascade County, Montana. (PREPARED IN RESPONSE TO 76-3-608(3) MCA)

### **PRIMARY REVIEW CRITERIA:**

**Effect on Agriculture and Agricultural Water User Facilities:** The minor subdivision is located at an existing RV Park Country Club Boulevard, 6<sup>th</sup> Street Southwest, and 13<sup>th</sup> Avenue Southwest, which is located in city limits. Thus, the proposed minor subdivision will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** Lots in the proposed subdivision required to be served from public utility mains at the time of development. The Owner will pay the cost of the service lines from these utility mains. The owner will be required to extend and possibly loop the water main located at the corner of the project site and 6<sup>th</sup> Street Southwest. The owners of the lots created by the subdivision will pay regular water and sewer charges, and monthly storm drain charges. The property proposed for this subdivision is currently receiving law enforcement and fire protection service from the City of Great Falls. Because the subdivision is simply being requested for financial purposes, it does not create any new emergency service issues for the City. The requirement for secondary emergency access is addressed in the Zoning Map Amendment findings.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will ultimately be held onsite in detention ponds for each lot. The issue of the Sun River's impaired water quality is addressed in the Zoning Map Amendment findings.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is proposed for a redevelopment project in an existing RV Park and the property is surrounded by existing development. This is not in an area of significant wildlife habitat beyond occasional deer and migrating fowl.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. The subdivision itself will not have a negative effect on Public Health and Safety. All of the proposed lots will have public street access and City utility service. Additional information about health and safety impacts is contained in the Zoning Map Amendment findings.

### **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 and storm water easements on the final recorded plat to services for both lots of the subdivision. The draft plat displays these proposed easements.

**LEGAL AND PHYSICAL ACCESS**

The site proposed for subdivision already has access off 13<sup>th</sup> Ave. Southwest. The proposed two lot subdivision will not change this access arrangement, and each lot will have a private cross-access easement for residents to circulate within the proposed apartment complex.

LAND USE SUBMITTAL  
Rivers Edge Apartments  
October 3, 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. See Appendix A for the signed Land Use Checklist.

## 1. MINOR SUBDIVISION (TABLE 2 AND 3)

### 1.A. PROJECT NARRATIVE

The following narrative is intended to better describe the intent and preliminary design details of the Rivers Edge Apartments proposed at the current Great Falls RV Park located at 1403 11<sup>th</sup> Street Southwest. This proposed multi-family development will include both Tract 1 and 2 of Dick Addition located in Section 15, Township 20 North, Range 3 East, P.M.M. City of Great Falls, Cascade County, Montana. The current parcels are zoned R-10 (Mobile Home Park) and intend to be zoned R-6 (Multi-Family High Density). Details of the requested rezone are mentioned in Section 2.

Rivers Edge Apartments will include 513 total units divided into five buildings, each with 4 levels of housing and a main level of parking, five levels total. Onsite will also include a clubhouse to be used as a central core for the tenants of the proposed development with indoor and outdoor amenities. The proposed apartment complex will be constructed on Tract 2 of Dick Addition, with Tract 1 on the north side of 13<sup>th</sup> Avenue Southwest being set aside for a future park with outdoor amenities. Included in this submittal is subdividing the 14.80 acre Tract 2 into a minor subdivision with two lots. After subdividing, Tract A on the west will be 5.02 acres and Tract B on the east will be 9.77 acres.

Access for the proposed development will be fed from 13<sup>th</sup> Avenue Southwest with two new approaches. A Traffic Impact Study (TIS) was conducted by Sanderson Stewart that breaks down the impact that the proposed multi-family development will have on the local traffic infrastructure. Included with the traffic considerations was a request to the Montana Department of Transportation (MDT) to allow for emergency ingress and egress from the current sidewalk improvements that are located just north of Tract 2 that gives access to 6<sup>th</sup> Street Southwest. This emergency access was approved by MDT. Details of the TIS and MDT emergency access approval can be found in Appendix E.

Utility improvements include the extension of both the nearby water and sanitary sewer mains. Water will be extended from the 12” main that is currently dead ended at the intersection of 6<sup>th</sup> Street Southwest and HWY 89. The water main will follow the right-of-way of 13<sup>th</sup> Avenue Southwest to the western property line extents of the proposed development. Further connection of the water main to the intersection of 13<sup>th</sup> Avenue Southwest and 14<sup>th</sup> Street Southwest may be

LAND USE SUBMITTAL  
Rivers Edge Apartments  
October 3, 2022



required based on finalized details with the City of Great Falls Public Works and Engineering Departments. The water main will then be looped within the proposed development to service the apartment buildings. Sanitary sewer will be extended into the proposed development from the existing 18" main that is within the right-of-way of 13<sup>th</sup> Avenue Southwest.

Storm water throughout the development will be conveyed internally with various surface flow options including curb and gutter, valley gutters, and asphalt improvements. Along with surface flow conveyance will be a series of internal stormwater pipes that will convey all stormwater runoff to a centralized point of discharge. At this point of discharge the stormwater will be treated for the entire development following the stormwater quality standards set forth by the MDEQ's General Permit for Storm Water Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4). A discharge to the Sun River will then utilize existing culvert infrastructure or a new discharge will be installed under 13<sup>th</sup> Avenue Southwest based on finalized details with the City of Great Falls Public Works and Engineering Departments.

#### 1.B. SITE PLAN

See the site plan and site rendering in Appendix B.

#### 1.C. MINOR SUBDIVISION PRELIMINARY PLAT

See the preliminary plat for the proposed minor subdivision and the filed Certificate of Survey number 4311 in Appendix C.

#### 1.D. CONCEPTUAL PLANS FOR PUBLIC INFRASTRUCTURE

See the site plan in Appendix B.

#### 1.E. PRELIMINARY SOILS/GEOTECHNICAL INFORMATION

See the geotechnical report in Appendix D.

#### 1.F. ESTIMATED WATER AND WASTEWATER DEMAND/DISCHARGE

##### **Water Demand:**

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)*

$$D_{DOM} = 1,090 \text{ residents} * 60 \text{ gpd} * 3.78 = \mathbf{247,212 \text{ gpd}}$$

Therefore, the peak design flow rate for this phase of development is calculated as follows:

$$Q_{\max} = 247,212 \text{ gpd} * \left( \frac{0.13 \text{ cf}}{\text{gal}} \right) * \left( \frac{\text{day}}{86,400 \text{ sec.}} \right) = 0.37 \text{ cfs}$$

### 1.G. PRELIMINARY DRAINAGE PLAN

See the site plan in Appendix B. Shown are the preliminary drainage path of the proposed development. Internal storm water piping will be installed to convey the storm water runoff to a determined discharge location.

### 1.H. SPECIAL FUNDING PROPOSAL

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

### 1.I. PRELIMINARY EASEMENTS

The proposed development will have public utility easements that encompass the proposed water and sewer main extensions. The easement locations will be finalized once final utility routes are determined. See the preliminary plat of the minor subdivision in Appendix C.

## 2. ZONING MAP AMENDMENT (TABLE 3)

### 2.A. REZONE EXHIBIT

See the site zoning in Appendix B.

### 2.B. NARRATIVE OF THE REZONE

The proposed rezone will encumber both Tract 1 and Tract 2 of the current Dicks Addition. The current zoning of the two tracts are R-10 (Mobile Home Park). The neighboring zoning includes P.O.S to the north and east, C-1 and R-2 to the south, C-2 and Cascade County Commercial to the west.

The proposed zoning for this development will be R-6 (Multi-Family High Density Residential). This will allow for the product type and density of the proposed apartment complex.

### 2.C. PLANS AND SUPPLEMENTAL INFORMATION

See Section 1 for details related to the plans and supplemental information required per Table 3.

# Aerial Map



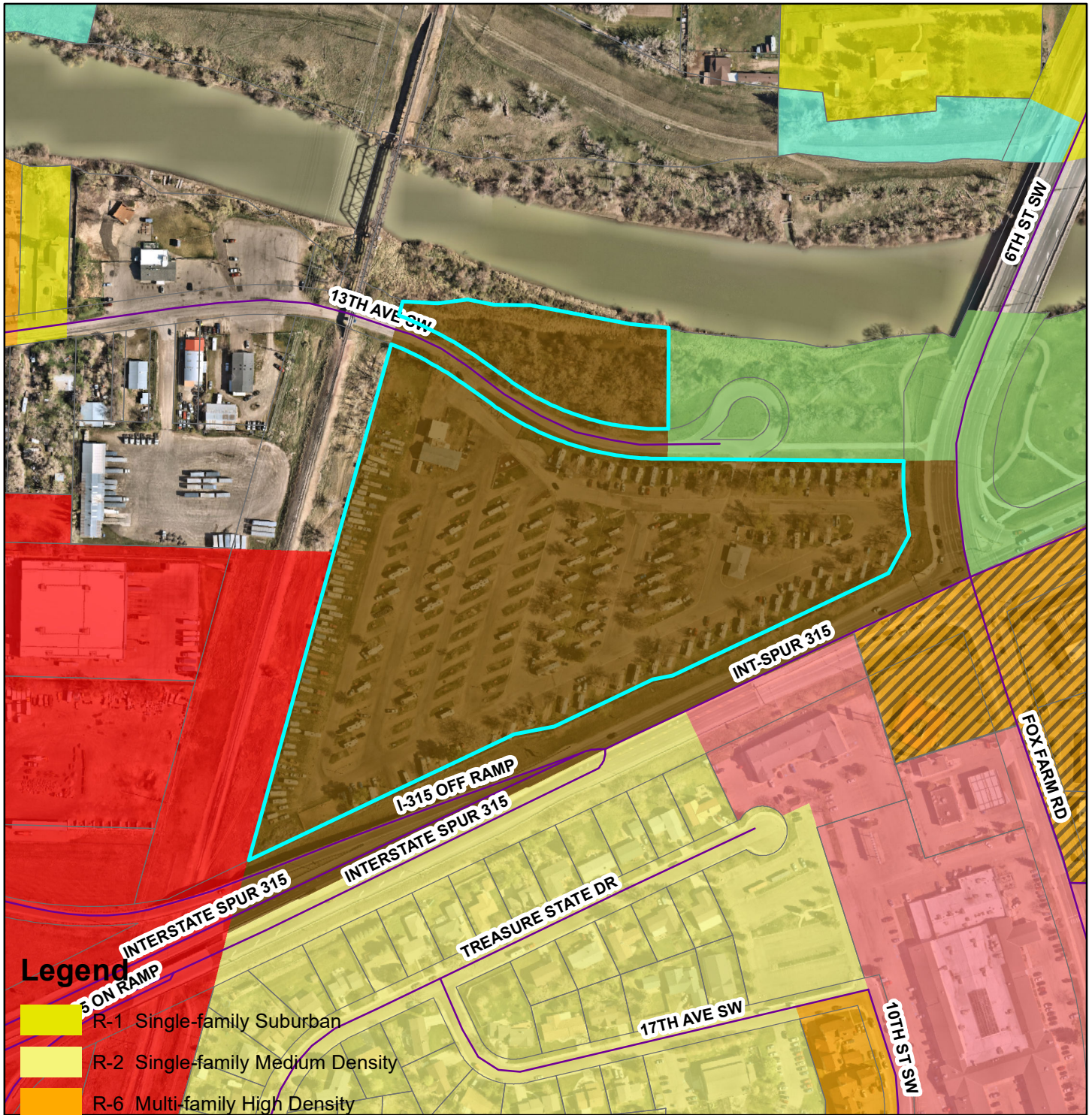
----- City Limits

320 160 0 320 Feet



# ZONING MAP

Agenda #6.

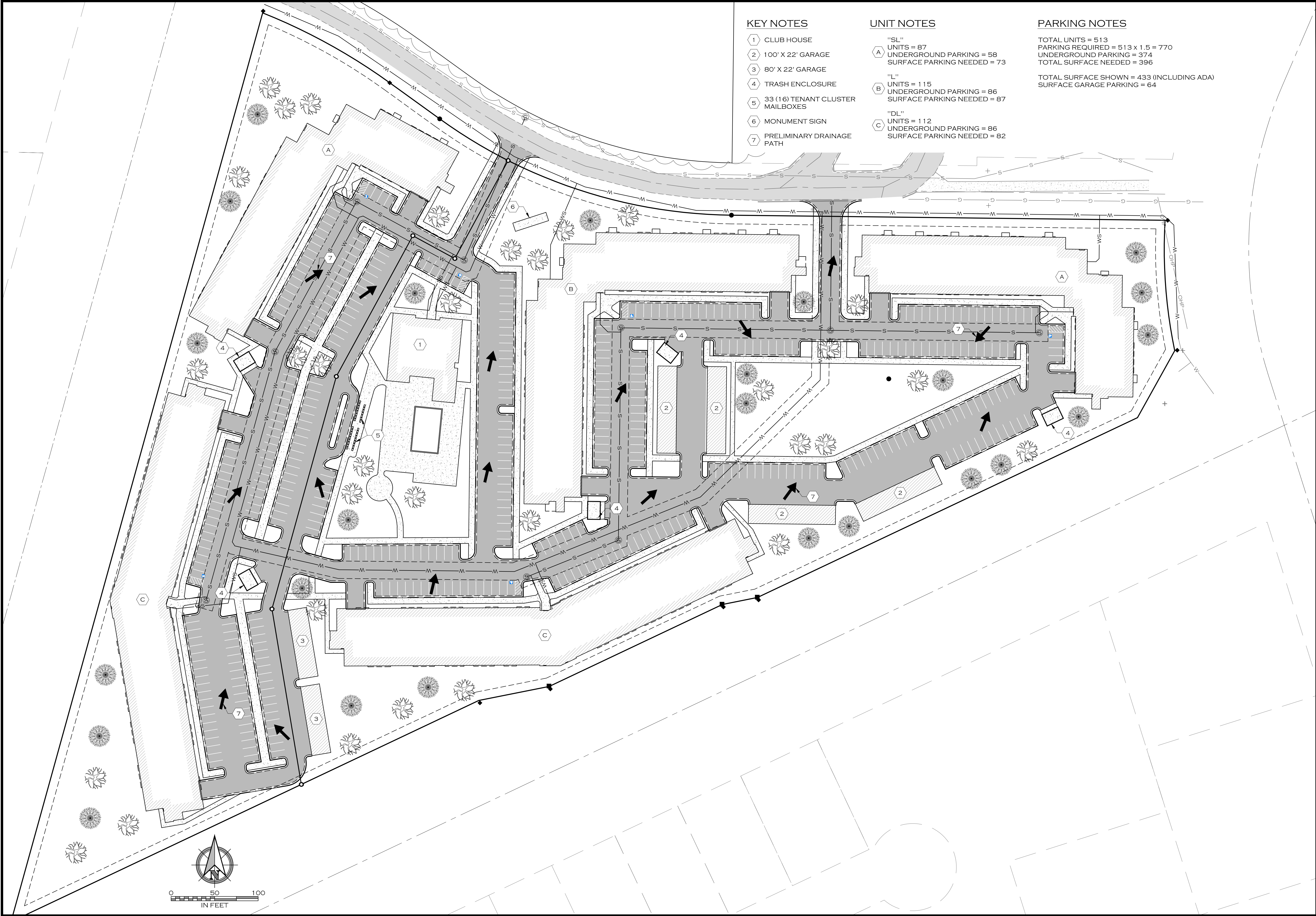


## Legend

- R-1 Single-family Suburban
- R-2 Single-family Medium Density
- R-6 Multi-family High Density
- R-10 Mobile Home Park
- PUD Planned Unit Development
- C-1 Neighborhood Commercial
- C-2 General Commercial
- PLI Public Lands and Institutional
- POS Parks and Open Space
- U Unincorporated Enclave

320 160 0 320 Feet

N



KEY NOTES

- 1 CLUB HOUSE
- 2 100' X 22' GARAGE
- 3 80' X 22' GARAGE
- 4 TRASH ENCLOSURE
- 5 33 (16) TENANT CLUSTER MAILBOXES
- 6 MONUMENT SIGN
- 7 PRELIMINARY DRAINAGE PATH

UNIT NOTES

- "SL" UNITS = 87
  - A UNDERGROUND PARKING = 58
  - SURFACE PARKING NEEDED = 73
- "L" UNITS = 115
  - B UNDERGROUND PARKING = 86
  - SURFACE PARKING NEEDED = 87
- "DL" UNITS = 112
  - C UNDERGROUND PARKING = 86
  - SURFACE PARKING NEEDED = 82

PARKING NOTES

TOTAL UNITS = 513  
PARKING REQUIRED = 513 x 1.5 = 770  
UNDERGROUND PARKING = 374  
TOTAL SURFACE NEEDED = 396

TOTAL SURFACE SHOWN = 433 (INCLUDING ADA)  
SURFACE GARAGE PARKING = 64

Agenda #6.	
GF-2217	TDL/RLO
JOB #:	TDL/RLO
DRAWN:	DESIGN:
QA:	KTS/SNW
DATE:	10/03/2022
DATE	
DESCRIPTION	
#	
WOITH ENGINEERING, INC. ENGINEERS & SURVEYORS 405 3RD STREET NW, SUITE 206 - GREAT FALLS, MT 59404 - 406-791-1955 3000 CLARY STREET, SUITE 100 - BOZEMAN, MT 59717 - 406-533-5555 WWW.WOITHENG.COM	
MONTANA	
PRELIMINARY SITE LAYOUT OPTION 1	
RIVERS EDGE APARTMENTS	
GREAT FALLS	
EX-A	

PLAT OF  
RIVER'S EDGE SUBDIVISION

OWNER OF RECORD:  
GREAT FALLS RV PARK, LLC

SURVEY COMMISSIONED BY:  
GREAT FALLS PARK, LLC

TOTAL SUBDIVISION AREA:  
14.80 ACRES (GROSS & NET)

A TWO LOT MINOR SUBDIVISION OF TRACT 2 OF DICK'S ADDITION, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST,  
P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

PURPOSE OF SURVEY

A TWO LOT MINOR SUBDIVISION OF TRACT 2 OF DICK'S ADDITION.

CERTIFICATE OF OWNER(S)

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 RIVER'S EDGE SUBDIVISION, LOCATED IN THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN MONTANA, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT NO. 2, DICK'S ADDITION TO GREAT FALLS, AS AMENDED AND DESCRIBED IN CERTIFICATE OF SURVEY NO. S0004311, FILED SEPTEMBER 16, 2005, RECORDS OF CASCADE COUNTY, MONTANA.

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.

GREAT FALLS RV PARK, LLC

BY \_\_\_\_\_  
AUTHORIZED AGENT  
GREAT FALLS RV PARK, LLC

STATE OF MONTANA     )  
COUNTY OF CASCADE    ) :SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, A NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED \_\_\_\_\_ KNOWN TO ME TO BE THE PERSON WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGE TO ME THAT THEY ARE EXECUTED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF 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 RIVER'S EDGE SUBDIVISION 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)(b) 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

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 SKUBINNA, 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 RIVER'S EDGE SUBDIVISION 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 RIVER'S EDGE SUBDIVISION, LOCATED IN THE CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA IN ACCORDANCE WITH SECTION 76-3-621(3), MCA.

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)(d), 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 RIVER'S EDGE SUBDIVISION 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

PRELIMINARY

 <b>WOITH ENGINEERING, INC.</b> <b>ENGINEERS &amp; SURVEYORS</b> <small>405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955 3600 O'LEARY STREET, SUITE A • MISSOULA, MT 59808 • 406-203-9505 • WWW.WOITHENG.COM • <small>COPYRIGHT © WOITH ENGINEERING, INC. 2022</small></small>	1/4	SECTION	TOWNSHIP	RANGE	PRINCIPAL MERIDIAN MONTANA CASCADE COUNTY, MONTANA WE1 JOB#: 2217 DRAWN: CRH QA: MDS DATE: OCTOBER 3, 2022 FILENAME: PLAT.DWG SHEET 1 OF 2
		15	20N	3E	

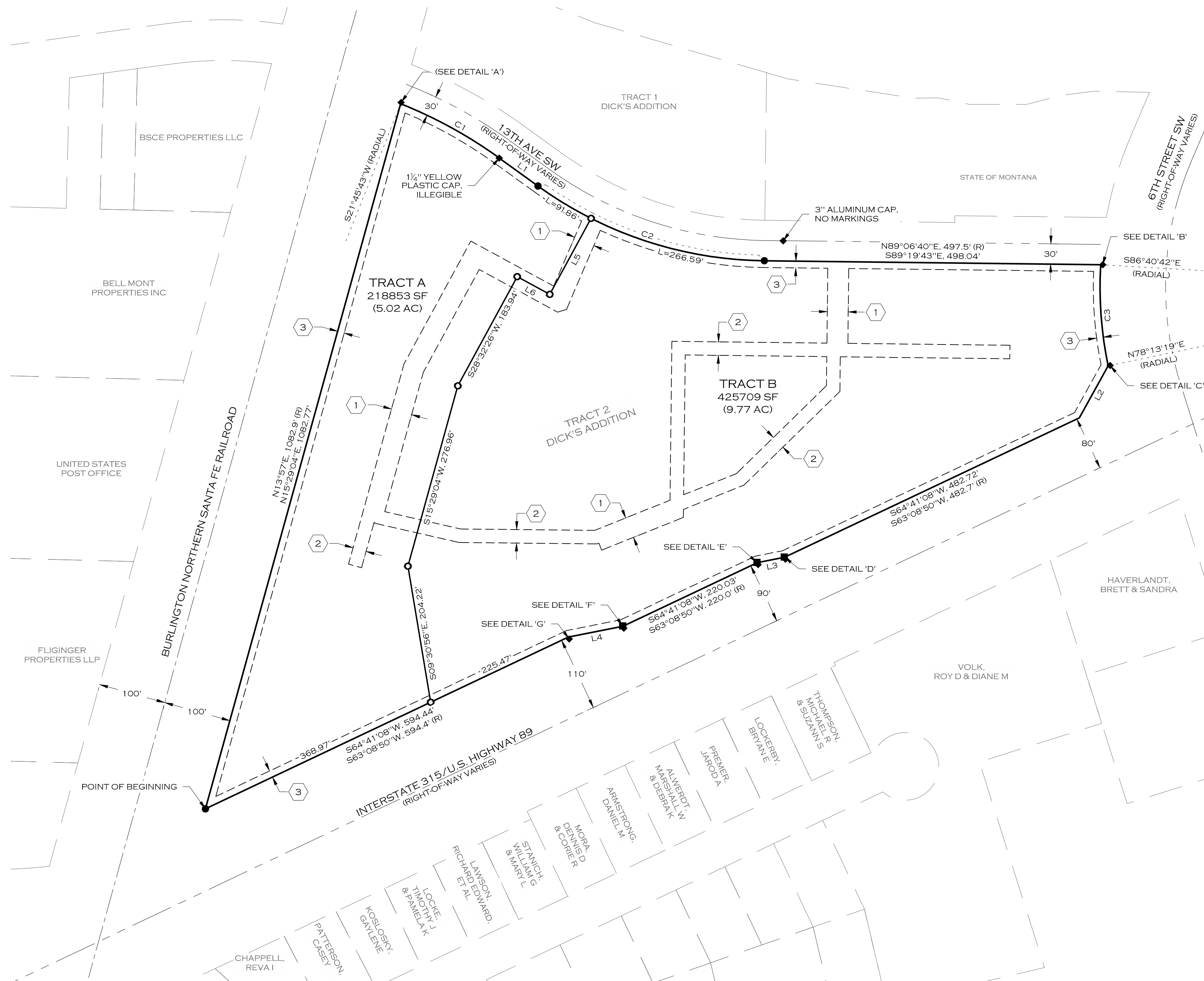
# PLAT OF RIVER'S EDGE SUBDIVISION

A TWO LOT MINOR SUBDIVISION OF TRACT 2 OF DICK'S ADDITION, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

OWNER OF RECORD:  
GREAT FALLS RV PARK, LLC

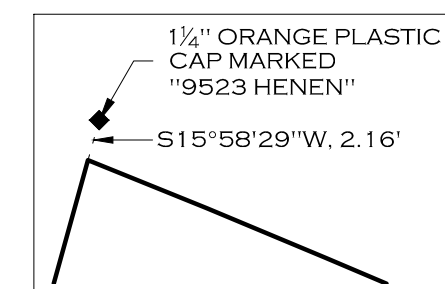
SURVEY COMMISSIONED BY:  
GREAT FALLS PARK, LLC

TOTAL SUBDIVISION AREA:  
14.80 ACRES (GROSS & NET)

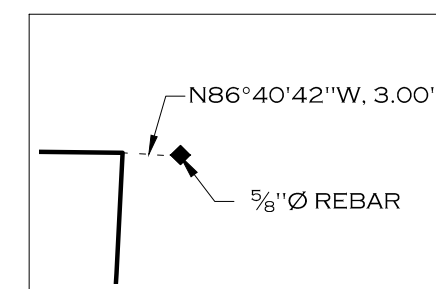


LINE TABLE		
LINE #	BEARING & DISTANCE	RECORD
L1	S54°09'26"E, 70.75'	S55°40'E, 70.55'
L2	S29°05'31"W, 87.94'	S27°29'W, 88.0'
L3	S78°44'15"W, 41.19'	S77°12'W, 41.2'
L4	S78°44'15"W, 82.37'	S77°12'W, 82.4'
L5	S28°32'26"W, 128.06'	
L6	N61°27'34"W, 54.86'	

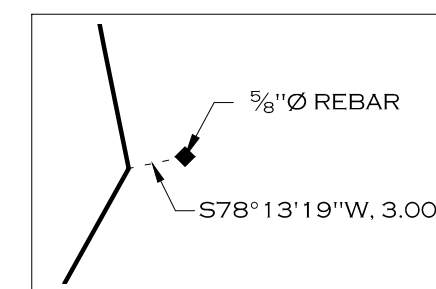
CURVE TABLE		
CURVE #	RADIUS, LENGTH, DELTA & CHORD	RECORD
C1	R=679.50', L=166.9', Δ=014°04'52", CH=S61°11'51"E, 166.57'	R=679.5', L=167.0', CH=S62°42'30"E, 166.6'
C2	R=583.93', L=358.45', Δ=035°10'17", CH=S71°44'34"E, 352.85'	R=584.1', L=359.1', CH=S73°16'40"E, 353.45'
C3	R=571.50', L=150.61', Δ=015°05'59", CH=S04°13'41"E, 150.18'	R=571.5', L=150.6', CH=S65°45'30"E, 150.2'



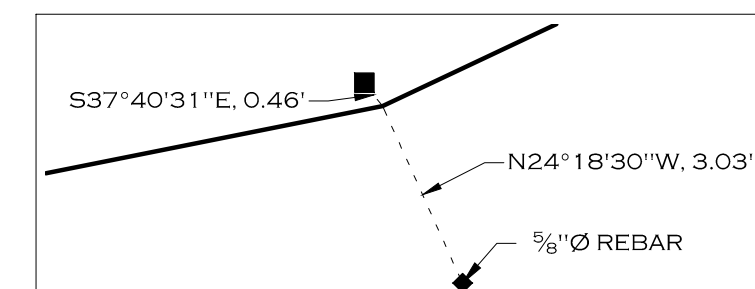
DETAIL 'A'  
NOT TO SCALE



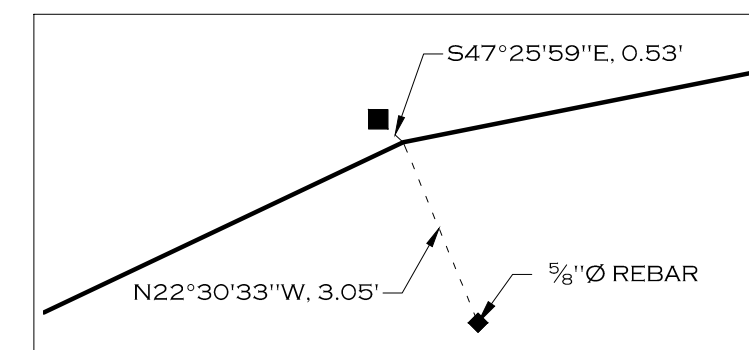
DETAIL 'B'  
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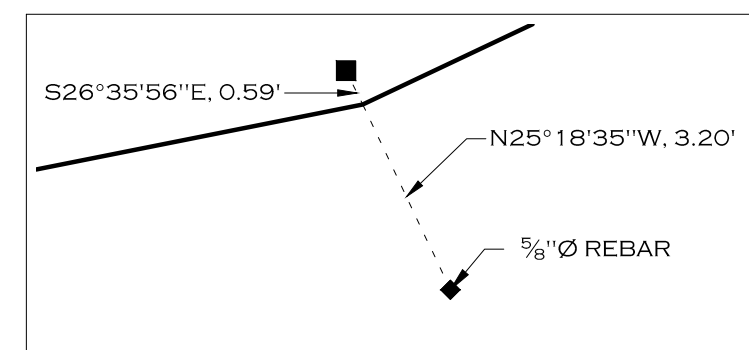
DETAIL 'C'  
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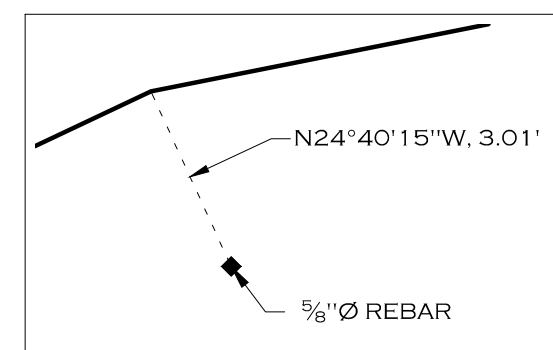
DETAIL 'D'  
NOT TO SCALE



DETAIL 'E'  
NOT TO SCALE



DETAIL 'F'  
NOT TO SCALE



DETAIL 'G'  
NOT TO SCALE

## LEGEND

- LOT BOUNDARY PER THIS PLAT
- ADJOINING LOT BOUNDARY (NOT PART OF THIS SURVEY)
- RAILROAD CENTERLINE (PER RECORD DOCUMENT)
- ROAD CENTERLINE (PER RECORD DOCUMENT)
- EASEMENT AS DESCRIBED (PER THIS DOCUMENT)
- FOUND MONTANA DEPARTMENT OF TRANSPORTATION CONCRETE RIGHT-OF-WAY MONUMENT
- FOUND 1 1/4" YELLOW PLASTIC CAP MARKED "LINDSETH 8644S"
- FOUND MONUMENT AS DESCRIBED
- SET 5/8" X 24" REBAR WITH 1 1/4" YELLOW PLASTIC CAP MARKED "WEI SHAYLOR 191 10LS"
- (R) RECORD OR ADDITIVE RECORD - CERTIFICATE OF SURVEY 0004311 (2005)

## SURVEYOR'S NOTES

- ALL BEARINGS & DISTANCES ARE FOUND, SET, OR CALCULATED UNLESS OTHERWISE NOTED.
- IT IS NOT THE INTENT OF THIS SURVEY TO IDENTIFY ALL EASEMENTS OF RECORD. THERE MAY BE EXISTING EASEMENTS OF SIGHT AND RECORD WHICH ARE NOT SHOWN ON THIS PLAT.

## KEY NOTES

- ① 31' UTILITY EASEMENT
- ② 20' UTILITY EASEMENT
- ③ 10' UTILITY EASEMENT

# PRELIMINARY

**WOITH ENGINEERING, INC.**  
ENGINEERS & SURVEYORS  
405 3RD STREET NW, SUITE 206 • GREAT FALLS, MT 59404 • 406-761-1955  
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WWW.WOITHENG.COM

1/4	SECTION	TOWNSHIP	RANGE
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PRINCIPAL MERIDIAN MONTANA  
CASCADE COUNTY, MONTANA  
WEI JOB#: 2217  
DRAWN: CRH  
QA: MDS  
DATE: OCTOBER 3, 2022  
FILENAME: PLAT.DWG  
SHEET 1 OF 1

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# RIVER'S EDGE TRAFFIC IMPACT STUDY

22114.04

Prepared For:  
City of Great Falls – Planning & Community Development  
#2 Park Drive South, Room 112  
Great Falls, MT 59403

Placemaking

Infrastructure  
Engineering

Surveying +  
Mapping

Community  
Planning

Landscape  
Architecture

Branding +  
Visualization



**October 2022**

**SANDERSON**  
**STEWART**



ENDURING COMMUNITY DESIGN

# TABLE OF CONTENTS

INTRODUCTION.....

1

SITE LOCATION AND DESCRIPTION.....

1

SITE DEVELOPMENT PLAN.....

1

EXISTING CONDITIONS.....

1

Streets .....

1

Intersections.....

1

Bicycle/Pedestrian Facilities.....

5

Traffic Volumes.....

5

Intersection Capacity .....

5

Crash History .....

7

TRIP GENERATION .....

8

TRIP DISTRIBUTION.....

9

TRAFFIC ASSIGNMENT.....

9

TRAFFIC IMPACTS .....

10

Traffic Volumes.....

10

Intersection Capacity .....

10

Auxiliary Turn Lanes .....

10

Multi-Way Stop Control .....

13

CONCLUSIONS AND RECOMMENDATIONS .....

13

Conclusions .....

13

Recommendations .....

13

## APPENDICES

- APPENDIX A – TRAFFIC VOLUME DATA
- APPENDIX B – CAPACITY CALCULATIONS – EXISTING CONDITIONS (2022)
- APPENDIX C – CAPACITY CALCULATIONS – FUTURE (2024)
- APPENDIX D – AUXILIARY TURN LANE WARRANT WORKSHEETS

## LIST OF TABLES

TABLE 1: CRASH HISTORY – FREQUENCY AND SEVERITY STATISTICS .....

7

TABLE 2: CRASH HISTORY – COLLISION TYPE.....

8

TABLE 3: TRIP GENERATION SUMMARY .....

9

LIST OF FIGURES

FIGURE 1: STUDY AREA ..... 2

FIGURE 2: SITE LAYOUT..... 3

FIGURE 3: STREET & INTERSECTION CHARACTERISTICS ..... 4

FIGURE 4: EXISTING CONDITIONS (2022) PEAK HOUR TRAFFIC VOLUMES..... 6

FIGURE 5: TRIP DISTRIBUTION & TRAFFIC ASSIGNMENT SUMMARY ..... 11

FIGURE 6: FUTURE (2024) TRAFFIC PROJECTIONS..... 12

## INTRODUCTION

This traffic impact study (TIS) assesses the traffic-related impacts associated with the proposed development of the River's Edge Apartments in Great Falls, Montana on the surrounding transportation system. This report also provides recommendations to mitigate any such impacts. The methodology and analysis procedures used in this study employ the latest technology and nationally accepted standards in the areas of site development and transportation impact assessment. Recommendations made in this report are based on professional judgment and these principles.

## SITE LOCATION AND DESCRIPTION

The proposed River's Edge Apartments are located on an existing RV Park north of 10th Avenue South (I-315) between 6th Street SW and the railroad tracks in Great Falls, Montana. The site is bordered by 6th Street SW to the east, railroad tracks to the west, 13th Avenue SW and Sun River to the north, and 10th Avenue South to the south. Figure 1 on the following page depicts the study area.

## SITE DEVELOPMENT PLAN

The site development plan proposes construction of five apartment buildings to include four levels of units over one ground level of parking, for 513 total apartment units. Full-movement access is proposed at two existing RV park access locations on 13th Avenue SW. Figure 2 on the page 3 illustrates the current proposed site layout.

## EXISTING CONDITIONS

### Streets

Figure 3 on page 4 shows Montana Department of Transportation (MDT) street classifications and speed limits on study area streets. Additional conditions of existing streets within the study area are described below.

West of 6th Street SW, 10th Avenue South is a four-lane access-controlled facility until its interchange with I-15. There are single-lane exit and entrance ramps accessing 14th Street SW. Across from the 10th Avenue South EB Ramps, the access road into the shopping center west of 14th Street SW has a wide section that is marked with two northeastbound thru lanes and additional turn lanes at intersections. South of the 10th Avenue South EB Ramps, 14th Street SW has two northbound thru lanes and one southbound thru lane. North of the eastbound ramps, it has one thru lane in each direction with turn lanes at the ramp intersections. The remaining study streets have paved two-lane sections or equivalent surface widths. There is curb and gutter on 14th Street SW south of 14th Avenue SW, and no curb and gutter along the remaining streets or the 10th Avenue South ramps.

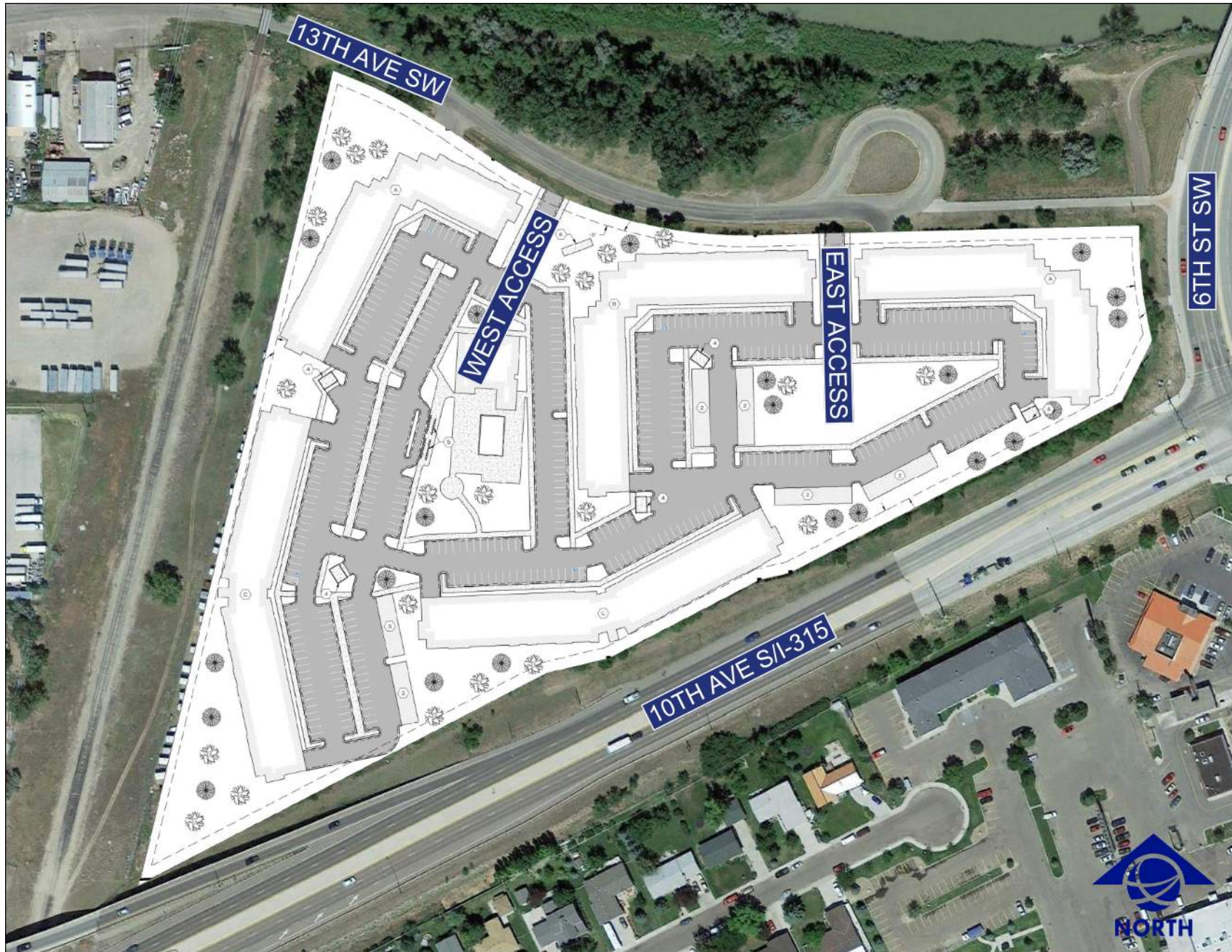
### Intersections

Figure 3 also shows the traffic control utilized at each study area intersection. Additional conditions of study area intersections are described in the following paragraphs. There are no turn lanes at the two stop-controlled intersections.



**Figure 1: Study Area**

River's Edge Apartments TIS



**Figure 2: Site Layout**  
River's Edge Apartments TIS

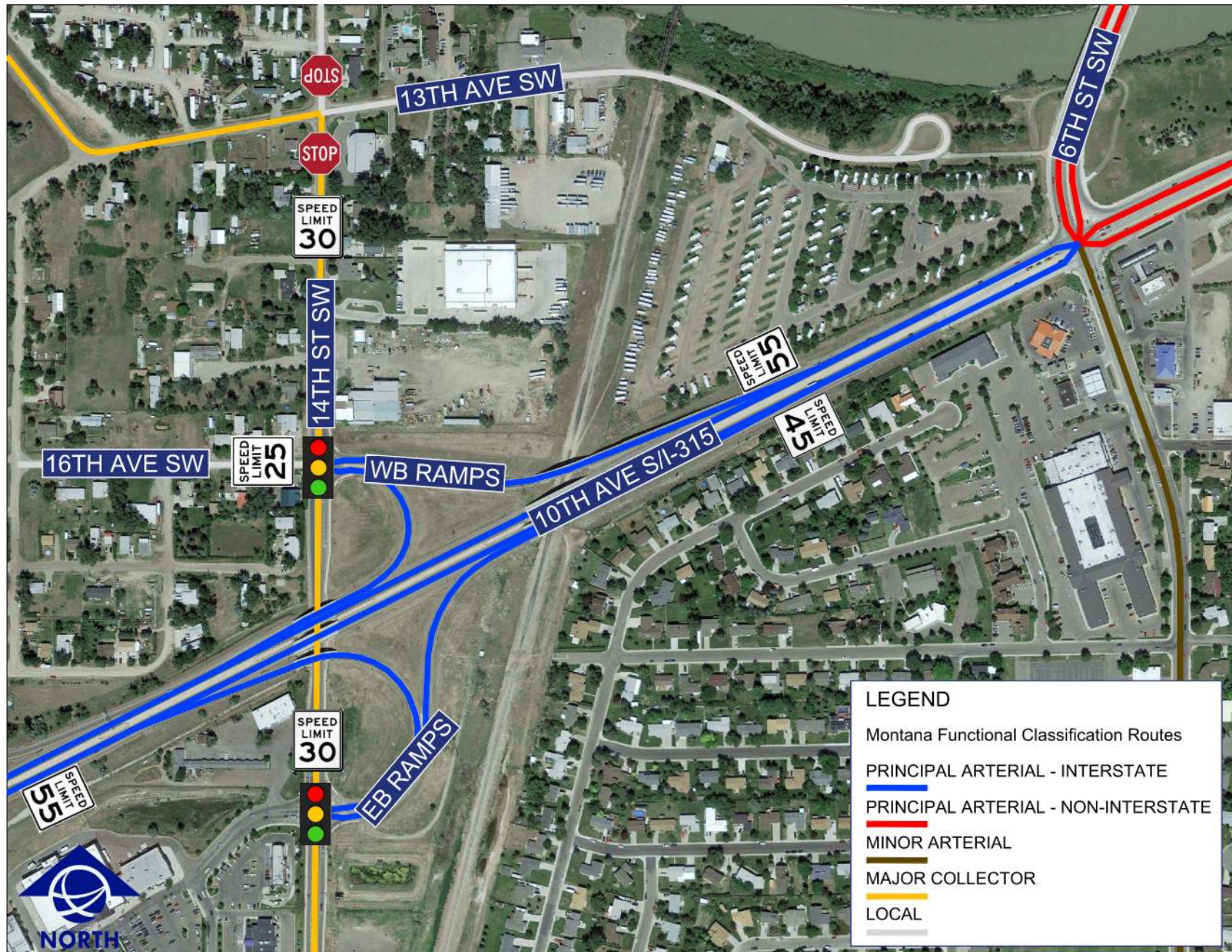


Figure 3: Street & Intersection Characteristics

River's Edge Apartments TIS

The 14th Street SW/10th Avenue South EB Ramps intersection has dedicated left-turn, thru, and right-turn lanes on all approaches. The westbound right-turn lane is channelized and controlled by the signal, which is actuated and operates with protected/permissive phasing for eastbound and westbound left turns, northbound and southbound right-turn overlap phases, and permissive phasing for all other movements.

The 14th Street SW/10th Avenue South WB Ramps intersection has dedicated left-turn, thru, and right-turn lanes on the northbound approach, a left-turn lane on the southbound approach, and a channelized westbound right-turn lane that is controlled by the traffic signal. The signal is actuated and operates with split phasing on the eastbound and westbound approaches, a northbound right-turn overlap phase, and permissive phasing for all other movements.

## Bicycle/Pedestrian Facilities

There are limited bicycle and pedestrian facilities in the study area, with sidewalk along the east side of 14th Street SW beginning to the south of its intersection with 15th Avenue SW and along the west side of 14th Street SW beginning south of its intersection with the 10th Avenue South EB Ramps. The shopping center access road west of 14th Street SW across from the 10th Avenue South EB Ramps has sidewalk along the southern side.

## Traffic Volumes

Weekday AM and PM peak hour turning movement counts were collected at study intersections on Thursday, August 18, 2022. The traffic data was collected using Miovision Scout video-based systems. The weekday AM and PM peak hour periods were found to occur from 8:00 to 9:00 AM and 4:45 to 5:45 PM. Raw count data was adjusted for seasonal variation using MDT seasonal adjustment factors. Figure 4 on page 6 summarizes the calculated Existing Conditions (2022) peak hour turning movement volumes for the AM and PM peak hours. Detailed traffic count data worksheets are included in Appendix A.

## Intersection Capacity

Intersection capacity calculations for Existing Conditions (2022) were performed for the study area intersections using Synchro, Version 11, which is based on the Highway Capacity Manual, 6th Edition (Transportation Research Board, 2016). Level of service (LOS) is defined as a quality measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience. LOS is a qualitative measure of the performance of an intersection with values ranging from LOS A, indicating good operation and low vehicle delays, to LOS F, which indicates congestion and longer vehicle delays. LOS C is generally considered as the minimum acceptable performance level for planning and design purposes.

The results of the Existing Conditions (2022) intersection capacity calculations showed that all intersections and approaches currently operate at LOS C or better, with minimal 95th percentile queuing at the stop-controlled intersections. Queuing at the signalized intersections is moderate; the longest queue modeled in the capacity analysis was 12 vehicles on the westbound leg of the 14th Street SW/10th Avenue South WB Ramps intersection during the PM peak hour. Southbound thru vehicles queued at the 14th Street SW/10th Avenue South EB Ramps intersection block access to the southbound left-turn lane during the PM peak hour, and very nearly block the lane during the AM peak hour. Figure 4 also shows the Existing Conditions (2022) LOS results at each intersection. A detailed capacity summary table and capacity calculation worksheets for the study area intersections can be found in Appendix B.

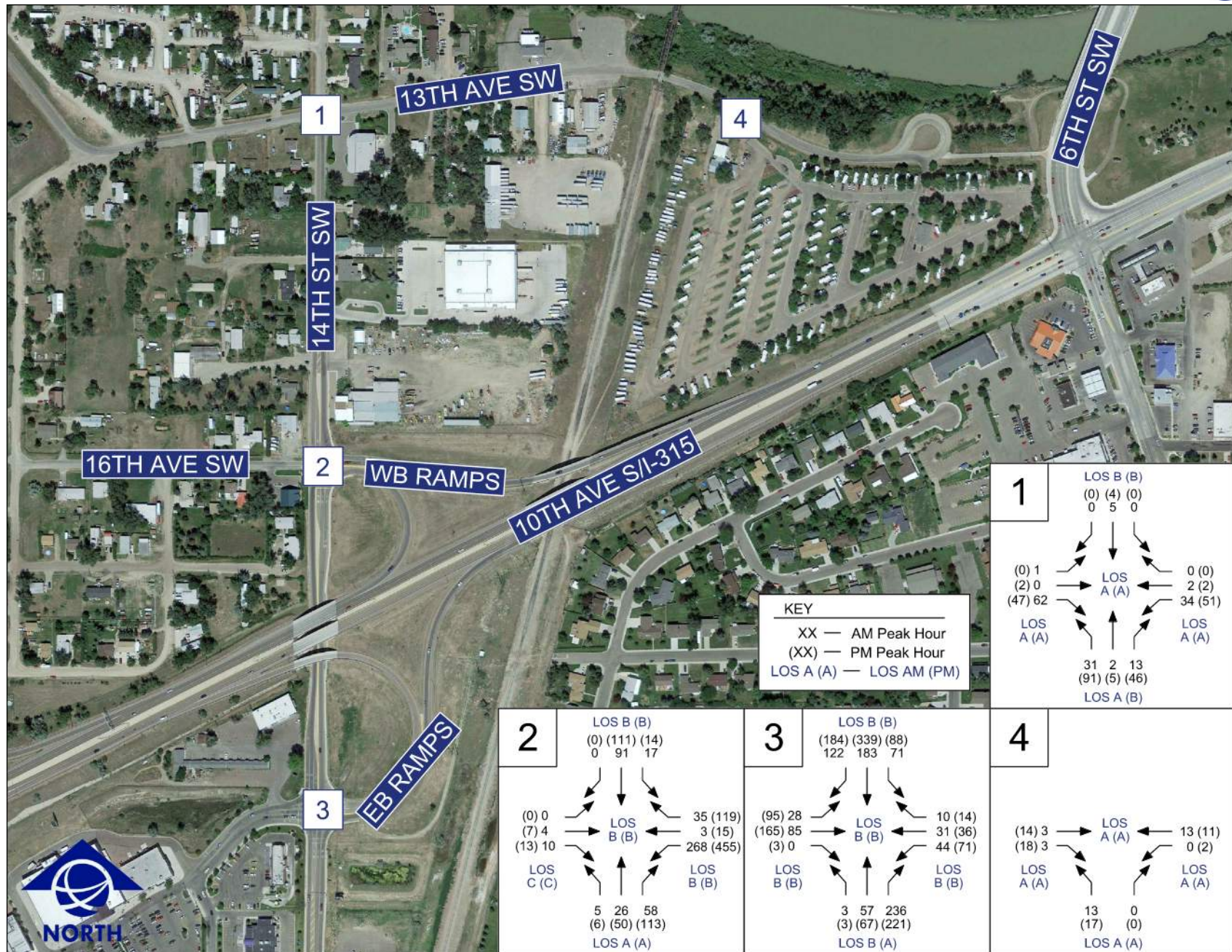


Figure 4: Existing Conditions (2022) Peak Hour Traffic Volumes

## Crash History

Historical crash data was obtained from MDT for the 5-year period from January 1, 2016 through December 31, 2020 for the study area intersections. The data was analyzed for the purposes of calculating intersection crash and severity rates and evaluating collision type trends. Tables 1 and 2 below and on page 8, respectively, illustrate the results of that analysis. Note that no crashes were reported at the intersections of 13th Avenue SW/RV Park Access and 14th Street SW/10th Avenue South EB Ramps.

Intersection crash rates were calculated on the standard basis of crashes per million vehicles entering (MVE) for each intersection. The MVE metric was estimated based on 2022 peak hour traffic counts and published historical ADT volumes from the MDT website. Crash rates for the study area intersections ranged from 0.00 crashes/MVE to 0.82 crashes/MVE. The highest crash rate of 0.82 crashes/MVE was calculated for the intersection of 14th Street SW/10th Avenue South WB Ramps. The elevated crash frequency rate at this intersection is concerning, particularly as compared to the HSM predicted rate (see discussion in following paragraphs).

As a means of evaluating the historical crash frequency rates, Sanderson Stewart calculated expected rates using the predictive crash rate formulas in the American Association of State Highway Transportation Officials (AASHTO) Highway Safety Manual (HSM). The process involves calculating the number of crashes predicted in a year based on traffic demand (AADTs) and various physical and traffic environment-based conditions, such as lane configurations and traffic control. Sanderson Stewart then back-calculated a frequency rate on the basis of one million vehicles entering for the sake of comparison with the actual historical crash rate. The results of the calculations show that the historical crash rate is over one and a half times higher than the predicted crash rate at the intersection of 14th Street SW/10th Avenue South WB Ramps. For the remaining study area intersections, the predicted HSM crash rates were very similar to or higher than the historical rates. The HSM rate predictions and 5-year crash totals for each intersection are summarized in Table 1 below.

Severity indexes were also calculated for the study area intersections. The severity index gives an indication of relative crash severity for a location based on the number of fatal, injury, and property damage only (PDO) crashes. The highest severity index was 1.18 at the intersection of 14th Street SW/10th Avenue South WB Ramps; however, this is a low severity index due to only 1 of 11 crashes (9%) resulting in an injury. Severity index calculation results are also summarized in Table 1.

**Table 1: Crash History - Frequency and Severity Statistics**

Intersection	2016-2020 DEV <sup>1</sup>	Reported Crashes <sup>2</sup>	Crash Type			Crash Data <sup>3</sup>			HSM Predictions <sup>4</sup>	
			PDO	Injury	Fatality	Average Crash Frequency (Crash/Yr)	Crash Rate (Crash/ MVE)	Severity Index	Predicted Average Crash Frequency (Crash/Yr)	Predicted Crash Rate (Crash/ MVE)
13th Ave SW/RV Park Access	1670	0	0	0	0	0.00	0.00	0.00	0.19	0.31
14th St SW/13th Ave SW	3156	1	1	0	0	0.20	0.17	1.00	0.77	0.67
14th St SW/10th Ave S WB Ramps	7391	11	10	1	0	2.20	0.82	1.18	1.17	0.43
14th St SW/10th Ave S EB Ramps	8446	0	0	0	0	0.00	0.00	0.00	1.07	0.35

<sup>1</sup> Daily Entering Volume (DEV) estimated from 2022 peak hour counts and 2016 through 2020 MDT published ADTs

<sup>2</sup> Crashes reported from January 1, 2014 to December 31, 2018

<sup>3</sup> Crash rates expressed as crashes per million vehicles entering (MVE)

<sup>4</sup> Rates calculated using Highway Safety Manual (HSM) 1st Edition predictive methodology using SPICE tool

Sanderson Stewart also performed an analysis of collision classification to determine if any patterns could be identified. Table 2 below presents the results of that analysis.

**Table 2: Crash History - Collision Type**

	Collision Type						
	Rear End	Right Angle	RT, SD	SS, SD	Fixed Object	Other	Total
13th Ave SW/RV Park Access							0
14th St SW/13th Ave SW		1					1
14th St SW/10th Ave S WB Ramps	5	1	1	1	2	1	11
14th St SW/10th Ave S EB Ramps							0

Rear-end crashes were the most commonly reported collision type at the intersection of 14th Street SW/10th Avenue South WB Ramps, accounting for 5 of 11 collisions (45%). Rear-end collisions are typically one of the most common collision types at intersections. Rear-end collisions commonly occur at signalized intersections because the signalized control is dynamic, and thereby requires drivers to recognize and react to changing conditions in real time. High speeds approaching signalized intersections allow drivers less response time, which creates an opportunity for an increased chance of rear-end collisions. Signals out of coordination or with lack of awareness to the intersection's traffic control can contribute to rear end collisions. Another potential contributing factor for rear-end collisions at a signalized intersection is a yellow change interval that is too short for the prevailing operating speeds in that corridor. Based on the application of yellow change interval formulas from the Institute of Transportation Engineers (ITE) Traffic Engineering Handbook, the yellow change intervals are all appropriate for the posted speeds at the intersection of 14th Street SW/10th Avenue South Westbound Ramps. Three (3) of the 5 (60%) rear end collisions involved southbound vehicles slowing at the intersection with 2 crashes occurring on dry pavement conditions in the daylight. More comprehensive crash information would be required to determine appropriate safety countermeasures.

There were 2 of 11 crashes (18%) due to fixed object collisions. Fixed object crashes often occur at intersections due to alcohol, excessive speeds, inattention, or poor visibility. At the intersection of 14th Street SW/10th Avenue South WB Ramps, there were 2 fixed object crashes; both crashes involved northbound vehicles traveling straight ahead. One crash occurred in snowy conditions. More crash data would need to be evaluated to determine further analysis or safety strategies.

Seven (7) of the 11 crashes (64%) that occurred at the 14th Street SW/10th Avenue South WB Ramps intersection had wet, icy, snow, or frost road surface conditions. It is important to note that all the above evaluations are speculative, and more detailed information about individual crashes would be needed to determine exact causes for each collision.

## TRIP GENERATION

This study utilized Trip Generation, 11th Edition, published by the Institute of Transportation Engineers (ITE), which is the most widely accepted source in the United States for determining trip generation projections. These projections are used to analyze the impacts of a new development on the surrounding area. For the purposes of this study, Land Use Code 220 – Multifamily Housing (Low-Rise) was used to estimate trip generation for the River's Edge Apartments. Table 3 on the following page illustrates the results of the trip generation calculations for the site.

Table 3: Trip Generation Summary

Land Use	Independent Variable		Average Weekday			AM Peak Hour			PM Peak Hour		
	Intensity	Units	total	enter	exit	total	enter	exit	total	enter	exit
Multifamily Housing (Low-Rise) <sup>1</sup>	513	Dwelling Units	3458	1729	1729	205	49	156	262	165	97
Total Buildout New External Trips			3458	1729	1729	205	49	156	262	165	97

(1) Multifamily Housing (Low-Rise) - Land Use 220\*  
Average Weekday:  
Peak Hour of the Adjacent Street, One Hour between 7 and 9 AM:  
Peak Hour of the Adjacent Street, One Hour between 4 and 6 PM:

Units = Dwelling Units  
Average Rate = 6.74  
Average Rate = 0.40  
Average Rate = 0.51

(50% entering/50% exiting)  
(24% entering/76% exiting)  
(63% entering/37% exiting)

\*Trip Generation, 11th Edition, Institute of Transportation Engineers, 2021

At full buildout, the site is projected to generate a total of 3,458 gross average weekday trips with 205 trips (49 entering/156 exiting) generated during the AM peak hour and 262 trips (165 entering/97 exiting) generated during the PM peak hour.

Trip generation projections provide an estimate of the total number of trips that would be generated by a proposed development. However, to estimate the net number of new trips made by personal vehicles external to the site, adjustments must often be made to account for internal capture trips, pass-by trips, and trips made by alternate modes. Trips made by alternate modes (walking, biking, transit) were conservatively assumed to be negligible for the purposes of this study.

Internal capture (IC) trips are trips that do not have origins or destinations external to a project site and therefore do not have an impact on external traffic operations. IC trips most often occur in mixed-use developments where residential, commercial, and office-related land uses exhibit a high rate of internal trip exchange and were therefore not calculated for this study.

Pass-by trips are trips that are made as intermediate stops on the way from a point of origin to a primary trip destination. Pass-by trips are attracted from traffic “passing by” on an adjacent street that offers direct access to the site. Pass-by trips are primarily attracted by commercial type land uses such as restaurants, convenience markets, and gas stations and were also not calculated for this site.

## TRIP DISTRIBUTION

Trip distribution is an estimate of site-generated trip routing, which can be determined by several methods, such as computerized travel demand models, calculation of travel time for various available routes, and/or simple inspection of existing traffic patterns within the project area. For this study, distribution percentages were calculated based on collected existing traffic volumes with consideration given to the location of the development in relation to the rest of Great Falls. Figure 5 on page 11 presents the calculated trip distribution scheme for the River’s Edge Apartments.

## TRAFFIC ASSIGNMENT

Traffic assignment is the procedure whereby site-generated vehicle trips are assigned to study area streets, intersections, and site access driveways based on the calculated trip distribution and the physical attributes of the development site. Using this approach, site-generated trips were assigned to the study area street network for the

purposes of projecting future traffic volumes for analysis. The results of the traffic assignment exercise for the AM and PM peak hours are also illustrated in Figure 5.

## TRAFFIC IMPACTS

### Traffic Volumes

Based on information from the Client, a horizon year of 2024 was utilized for the purposes of calculating future traffic projections for this study. In addition to site-generated trips, background traffic volumes will also likely increase for study area streets and intersections due to general city-wide growth. To account for that growth, Sanderson Stewart analyzed historical MDT traffic data on 14th Street SW and the 10th Avenue South ramps, as well as reviewing growth rates used in previous area studies. After confirmation with the City of Great Falls, a background growth rate of 1% was selected. Trips to the existing RV park, recorded at its site access intersection, were removed from the study street network before applying anticipated background growth to existing volumes and combining with site-generated traffic assignments to calculate the Future (2024) traffic projections. Figure 6 on page 12 illustrates the resulting AM and PM peak hour traffic volume projections.

### Intersection Capacity

Sanderson Stewart performed intersection capacity calculations for the Future (2024) scenario based on the AM and PM peak hour traffic volume projections presented in Figure 6. Peak hour factors (PHFs) for the design year were assumed to be 0.92 for all intersections, per common industry practice for future scenarios and HCM guidelines. The assumed values were utilized to not overestimate future congestion in the study area. Figure 6 also shows the LOS results at each intersection.

Future (2024) capacity results are very similar to existing, with all intersections and approaches projected to operate at LOS C or better during both peak hours. Projected 95th percentile queuing is minimal at stop-controlled intersections and moderate at the signalized intersections, with a projected queue of 13 vehicles on the westbound approach at the 14th Street SW/10th Avenue South WB Ramps intersection during the PM peak hour. Southbound thru vehicle queues at the 14th Street SW/10th Avenue South EB Ramps intersection are projected to continue to block access to the southbound left-turn lane during both peak hours. A detailed intersection capacity summary table and capacity calculation worksheets for the Future (2024) traffic projection scenario are included in Appendix C.

### Auxiliary Turn Lanes

Auxiliary right- and left-turn lane warrants were evaluated to address existing concerns and/or projected impacts for study area streets and intersections. The warrants were evaluated based on the methodology outlined in the MDT Traffic Engineering Manual (November 2007) for the Existing Conditions (2022) and Future (2024) analysis scenarios. The results showed that no turn lanes are warranted based on either the Existing Conditions (2022) or Future (2024) scenarios. Auxiliary turn lane warrant worksheets for the Existing Conditions (2022) and Future (2024) scenarios can be found in Appendix D. The southbound left-turn lane at the signalized 14th Street SW/10th Avenue South EB Ramps intersection currently experiences starvation due to long existing southbound thru movement queues. The lane blockage could potentially be solved by increasing the storage length for the left-turn lane; however, this could be complicated due to a narrow bridge crossing to the north.



Michael & Suzann Thompson  
8 Treasure State Dr.  
Great Falls, MT 59404  
406-899-0502

Great Falls Planning Advisory Board/Zoning Commission  
P.O. Box 5021  
Great Falls, MT 59403-5021  
[inygard@greatfallsmt.net](mailto:inygard@greatfallsmt.net)

December 12, 2022

Re: Zoning R-10 to R-6 Dick's RV Park

We are filing this letter against the current zoning change request by Craig Development for the Dick's RV Park from R-10 to R-6 for the heavy use of multi-family development.

One of our main concerns are the four-story structures to be built in the area. The existing truck traffic and jake brake noise that will be blocked by the large structures and will reflect the noise over into the Montana Addition residential area. At current that area is open air space that dissipates and spreads the noise.

Our second concern is the heavy use multi-family of an additional 513 units that will add to traffic flow of 10<sup>th</sup> Avenue So and Fox Farm Intersection. The current traffic is busy, then add the daily use of two autos per the 513 apartments to that traffic flow is going to create more congestion and accidents as west traffic cuts in to enter exit zero and east traffic stopping on the hill in winter.

We request the Planning Board and Zoning Commission deny the zoning change. We request that the noise and traffic flow issues be researched and studied before granting any zoning changes requested by Craig Development at this time.

Thank you for your time on this zoning issue.

Best Regards,

*Michael Thompson Suzann Thompson*

Michael and Suzann Thompson

City-County Planning Board  
121 4<sup>th</sup> St N  
Great Falls, Mt59401

Nov 3, 2022

William Jones  
1312 1<sup>st</sup> West Hill dr  
Great falls, Mt 59404

Dear planning board Members,

I am very much aware of the propose zoning change proposal to change “mobile home” ( i.e. Dick’s RV) to “high density residential.” There are three points the board needs to consider and act upon: **One**, the area in question is only one ingress and egress as the street it is a dead end : **two**, there is a serious choke point at a single lane rail underpass ( near the Beacon Bar ). “Thus, It will be mater of time before some chemically-happy- bone heads will collide at that choke point thus denying first responders access to that area. **Point three**, traffic congestion at Sun River road and 14 St SW by the influx of unknown number of vehicles. This congestion will also over spill to the on and off ramps at exit 0. Exit 0 at times is congested. From those three points I recommend the zone change be denied.

In closing, reducing the proposed 515 unit to 260 units may be acceptable.

  
William Jones

December 10, 2022

Planning and Community Development Department  
City of Great Falls  
P.O. Box 5021  
Great Falls, Montana 59403-5021

Re: *Proposed Amendment for Dicks Trailer Park from R-10 to R-6*

Sirs,

Please accept this letter as opposition to Craig Development's request to amend the zoning map from R-10 to R-6 to allow for a proposed 513-unit multi-family development on the area formerly known as Dick's RV Park. I'm a resident who borders the area to the south and have grave concerns about the impact to public safety and quality of life for the area.

I have lived near Dick's RV for the last twenty years and witnessed the growth of the southwest portion of Great Falls. The residential and commercial expansion has swelled traffic and DOT efforts have resulted in limited success in mitigating congestion at key roadways such as Fox Farm/US 91 and Exit 0 to Marketplace Square. Traffic data will likely reveal above average vehicle crashes and continued congestion, especially during peak traffic times. The noise from the daily vehicle traffic is already unnerving and often prevents peaceful use of our own backyard.

From personal experience, I have personally encountered two criminal events at my residence connected to the proximity of our residence to the growth of the area. In one event, a fleeing absconder was apprehended during a foot pursuit through my backyard and in another case, an intoxicated person attempted to break into my home, whom I had to subdue. To compound this, since the placement of the Cascade County Detention Center near the airport, there is daily foot traffic behind our home from individuals released from custody but lacking transportation.

Reclassifying the area to R-6 to permit 513 units on such a small footprint of land is excessive and only motivated by greed, with no consideration of the people in the area. Considering that these units will likely be occupied by at least two people, with two cars, it adds over 2,000 residents to an area with limited egress and adds pressure to public safety.

For my family and neighbors, we value our privacy and personal safety. I urge the Great Falls Planning/Zoning Commission to deny the request.

Regards,



Bryan Lockerby



Meeting Date: Jan. 10, 2023

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

**Item:** Public Hearing – Annexation of Tract 1 of Certificate of Survey No. 5337 Located in the NW1/4 of Section 3, T20N, R3E, P.M.M., Cascade County, Montana; and establishment of City zoning classification of M-2 Mixed-Use Transitional

**Initiated By:** Little Shell Tribe of Chippewa Indians of Montana

**Presented By:** Lonnie Hill, 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:**

1. Board Member moves:

“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, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.”

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

2. And;

“I move that the Zoning Commission recommend the City Commission (approve/deny) the establishment of City zoning classification of M-2 Mixed-use Transitional for the subject property as legally described in the Staff Report, and the accompanying Findings of Fact.”

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

**Background:**

Little Shell Tribe of Chippewa Indians of Montana submitted an application on October 20, 2022 to annex and establish City zoning designation of M-2 Mixed-use Transitional to the 3.684 acre parcel of land addressed as 1301 Stuckey Road. The Little Shell Tribe is requesting annexation into city limits for the benefit of the use of City water and sewer services. The subject property has both water and sewer mains adjacent to the parcel within Stuckey Road. These utilities were installed as part of the Montana

Eggs annexation into the City just north of this property in 2011. In 2020, the Little Shell Tribe annexed another parcel farther north along Stuckey Road into city limits, and in coordination with that request, they extended both the existing water and sewer mains along Stuckey Road farther north. Lastly, Stuckey Road was improved as a part of a Montana Department of Transportation project and is already built to City standards.

**Annexation by Petition Request:**

The subject property is a 3.684 acre parcel on the east side of Stuckey Road, beginning approximately 700 feet north of the Northwest Bypass. The parcel is owned by the Little Shell Tribe, who also own additional property and facilities within City limits, some of which are farther north along Stuckey Road. The subject property is contiguous to City limits, and the adjacent portion of Stuckey Road is already annexed into the City. Because of the infrastructure construction that was done in coordination with the Montana Eggs Annexation in 2010, the Little Shell Tribe will owe utility reimbursements to the City, which is discussed in further detail under the section “Required Improvements and Reimbursements”.

The basis for decision for an annexation by petition request is listed in OCCGF §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria which are attached as *Findings of Fact/Basis of Decision – Annexation by Petition*. City staff support annexation of the property due to the presence of utility and road infrastructure that already comply with City standards.

**Establishment of Zoning Request:**

The parcel currently is being used for miscellaneous storage. Once annexed, the Little Shell Tribe would like to use the property for cold storage for groceries for tribal members. The surrounding zoning districts in the area include I-1 Light Industrial and M-2 Mixed-use Transitional to the north, R-2 Single-family medium density farther to the east, and M-2 and POS Public lands and Open Space to the south. The properties on the western side of Stuckey Road are still in Cascade County jurisdiction and have county-designated zoning district of Industrial-1. Based on the proposed use and the surrounding zoning districts, it has been determined that the most fitting zoning district for the Little Shell Tribe’s parcel is M-2 Mixed-use Transitional.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. 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*.

**Required Improvements and Reimbursements:**

The on-site improvements required of the proposal will include everything required to provide water and sanitary sewer service, sanitary sewer industrial pretreatment (as applicable), fire protection, storm drainage, storm water quality treatment, and access for the subject property. Access for purposes of emergency vehicles shall be installed to the specifications of the City.

As a requirement of Annexation Resolution 9987, water and sanitary sewer mains were extended along the frontage of the subject property to provide public utility service for development of property located at 1401 Stuckey Road (former Montana Eggs plant site). The City is still owed \$56,162.59 for expenses from this utility construction. Based on the frontage length of the subject property, the applicant shall be required to pay the pro-rata reimbursement cost in the amount of \$45,487.54. This fee shall be paid to the City within thirty (30) days of approval of the subject property’s annexation.

**Neighborhood Council Input:**

The subject property is located adjacent to Neighborhood Council #3. There is no adopted neighborhood plan for Neighborhood Council #3, or any other Council within the City. The applicant presented the proposal for annexation and establishment of zoning to Neighborhood Council #3 on January 5<sup>th</sup>, 2023. The council voted to support the proposal.

**Concurrences:**

Representatives from the City's Public Works, Legal, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout any permit approval processes. Both Engineering and Environmental Divisions of Public Works have collaborated on the submitted *Improvement Agreement*.

**Fiscal Impact:**

Because Stuckey Road is already owned and maintained by the City's Street and Traffic Division, and the area is already served by City water, sewer, and emergency services, there will be no additional cost to the City. The annexation will facilitate future improvement to the property. This will increase the City's tax base and increase revenue.

**Staff Recommendation:**

Staff recommends approval of both the annexation and the assignment of M-2 Mixed-use Transitional zoning for the subject property with the following conditions:

**Conditions of Approval for Annexation and Establishment of Zoning:**

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. **Improvement Agreement.** The applicant shall abide by the terms and conditions as well as pay all fees and reimbursements specified in the attached Improvement Agreement for the subject property. The Improvement Agreement must be signed by the applicant and recorded for the subject property.
3. **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.
4. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and specific development standards for the M-2 Mixed-use Transitional zoning district designation.

**Alternatives:**

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

**Attachments/Exhibits:**

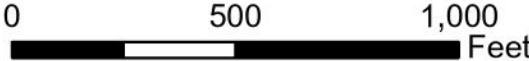
- Aerial Map
- Zoning Map
- Findings of Fact/Basis of Decision – Annexation
- Findings of Fact/Basis of Decision – Zoning Map Amendment

- Applicant Narrative
- Preliminary Plan
- Certificate of Survey #5337
- Improvement Agreement
- Allowable Uses by District for M-2
- Lot Area and Dimensional Standards for M-2

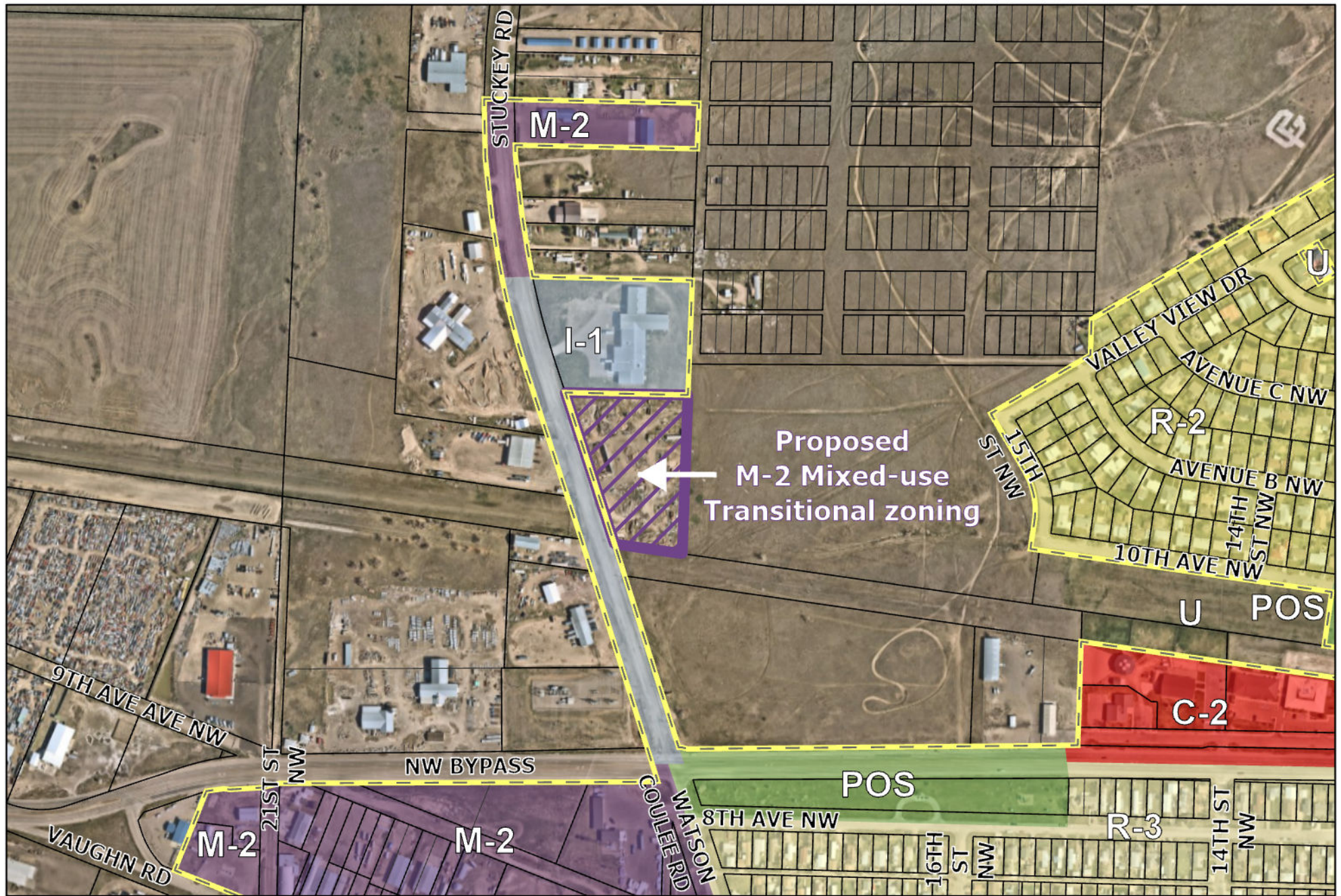
# Aerial Map



-  Subject Property
-  City Limit
-  Parcels



# Zoning Map



— City Limit  
□ Parcels



## FINDINGS OF FACT/BASIS OF DECISION – ANNEXATION

Tract 1 of Certificate of Survey No. 5337 Located in the NW1/4 of Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana

### PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in 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. Additionally, the adjacent portion of Stuckey Road is already incorporated into City limits.

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

The proposed annexation follows the intent and purpose of the 2013 Growth Policy Update. The annexation is consistent with the following physical growth policy goals:

- Phy4.1.3 - Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City
- Phy4.2.3 - Support actions that bring properties into conformance with the City's Land Development Code requirements over time.
- Phy4.2.5 - Promote orderly development and the rational extension of infrastructure and City services.

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

The City of Great Falls is separated into nine Neighborhood Councils. The subject property is located adjacent to Neighborhood Council #3. There is no adopted neighborhood plan for Neighborhood Council #3, or any other Council within the City. The applicant presented the proposal for annexation and establishment of zoning to Neighborhood Council #3 on January 5th, 2023. The council voted to support the proposal.

**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 does not lie within any adopted planning or sub-area planning areas, with the exception of the Long Range Transportation Plan. The LRTP identified Stuckey Road as a committed MDT project, this has since been designed, constructed, and completed.

**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. Utility mains are already existing and the City's Fire Rescue and Police Departments already provide response to nearby properties which reduces the impact of the extension of services.

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

The subject property has access to water and sewer mains, and Stuckey Road has been improved. There is a proposal for the use of the property as a cold storage building, and at the time of future development the project will be required to follow all City regulations and 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, and necessary improvement.**

The owner(s) of the subject property will bear all of the cost of improving the property to City standards. This includes an obligation to reimburse the City for past sewer and water main construction to serve the former Montana Eggs plant just north of this property. Annexation is conditional upon the execution of the Improvement Agreement.

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

Certificate of Survey No. 5337 is on record with the County Clerk and Recorder.

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

The subject property is already adjacent to both water and sewer mains, and will receive services at the time of development.

**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 deemed unsuitable for annexation.

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

The subject property is not located within 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.**

The subject property is currently used for storage, and if annexed, will be used for cold storage for groceries for the tribal members.

## FINDINGS OF FACT/BASIS OF DECISION – ZONING MAP AMENDMENT

Tract 1 of Certificate of Survey No. 5337 Located in the NW1/4 of Section 3, Township 20 North, Range 3 East, 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 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 proposed zoning map amendment follows the intent and purpose of the 2013 Growth Policy Update. The amendment is consistent with the following physical growth policy goals:

- Phy4.1.3 - Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City
- Phy4.2.3 - Support actions that bring properties into conformance with the City's Land Development Code requirements over time.
- Phy4.2.5 - Promote orderly development and the rational extension of infrastructure and City services.

The proposed M-2 Mixed-use Transitional zoning not only allows for the proposed use on the land, it also will allow for a variety of uses to be permitted on this property and future annexed properties. M-2 Mixed-use Transitional zoning would also create a buffer zone between the residential parcels to the east and the industrial zones to the area. Staff recommends the establishment of M-2 Mixed-use Transitional zoning rather than industrial or commercial based on the proposed use and looking toward future development possibilities. The zoning map amendment would meet goals of the 2013 Growth Policy Update and enable the policies to further be implemented.

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

The City of Great Falls is separated into nine Neighborhood Councils. The subject property is located adjacent to Neighborhood Council #3. There is no adopted neighborhood plan for Neighborhood Council #3, or any other Council within the City. The applicant presented the proposal for annexation and establishment of zoning to Neighborhood Council #3 on January 5th, 2023. The council voted to support the proposal.

**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, with the exception of the Long Range Transportation Plan. The LRTP identified Stuckey Road as a committed MDT project, which has been designed, constructed, and completed.

**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 provisions. Establishment of M-2 Mixed-use Transitional zoning matches the proposed use of the property and creates future flexibility for additional redevelopment activity to occur.

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

There are no existing, identified health, safety, and welfare issues on the subject property. Future development of the property under M-2 zoning will add storm water drainage improvements, paved parking, access control, and landscaping improvements to the site.

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

The City has the financial and staffing capability to administer and enforce the proposed zoning map amendment, if approved. Sewer and water mains as well as roadway improvements have already been constructed, and the applicant will be reimbursing the City for prior utility installation. City staff efforts will largely be limited towards plan review during the development stage.

## ANNEXATION

### Narrative

The Little Shell Tribe of Chippewa Indians of Montana is requesting the annexation of the property located at 1301 Stuckey Road. The property legal description is Tract 1 of COS No. 5337, containing 3.684 acres. See Figure 1 for Certificate of Survey No. 5337 for Tract 1 details. The property is located on the East side of Stuckey Road. This portion of Stuckey Road is currently within the City Limits. The adjoining property to the North is also located within the City Limits. Adjoining property to the North was the old Montana Egg facility but is now owned by Great Falls 1401 LCC. Please refer to Figure 2 for the location of the property in relation to current City Limits and current zoning of the surrounding properties.

The current use of the property was a storage lot for equipment and material. The property has been cleaned up, by removing the old equipment and stockpiles of soil and asphalt millings. A partially constructed steel framed building on the property has been renovated into a cold storage facility. There are no sanitary facilities located on the property.

The proposed development will be a cold storage building for food. There is a possibility of a tiny homes development for rent by tribal members struggling to find affordable housing in Great Falls. This portion of the project is delayed and may not come to fruition. The property is not proposed to be subdivided but will remain in the ownership of the Little Shell Tribe to service members of the tribe.

Water and sewer mains abut the property within the Right-of-Way limits of Stuckey Road. Private water and sewer services are proposed to connect to the existing City water and sewer mains located on the East side of Stuckey Road. See below of the proposed water and sewer usage for the cold storage building.

The Little Shell Tribe would like to annex into the City of Great Falls because of the proximity to City facilities and property to the north is located within City Limits.

### ***Water and Sewer Use***

Per the Department of Environmental Quality Circular 4 Table 3.1-1 Typical Waste Water Flows From Commercial, Industrial and other Nonresidential Sources a "Store" produces 3 GPD per customer and 10 GPD per employee. The cold storage building closely resembles a store in which tribal members can obtain long storage groceries. Most of the pick-up of groceries will be conducted at an off-site location. The amount of actual tribal member pick up will not occur at this facility, therefore the water use by customers will be low.

The estimate number of customers for the cold storage facility is 10 customers per day with 2 employees staffing the building for an 8-hour work day.

10 costumers x 3 GPD = 30 GPD

2 employees x 10 GPD = 20 GPD

50 GPD of demand

The estimate use of water and waste water will be 50 GPD with the amount of water equaling the waste water produced by the facility.

### ***Storm Water***

See the attached Storm Water report in Figure 5 of this submittal.

### ***Soils***

The soils located in the site are a silty clay loam per the NCRS Soils report. See the attached soils report listed in Figure 4 of this submittal.

## **ZONING**

### **Narrative**

The current zoning of the property is Commercial per the County Zoning Map. The property to the North is located in the City Limits and is zoned Light Industrial. The property to the East is zoned Urban Residential. The properties to the West and South are zoned Commercial. See Figure 2 for details of the surrounding properties and their specific zoning. Further North along Stuckey the properties are a mix of residential and commercial zoning

The proposed zoning of the subject property is Mixed Use 2 – Transitional. This proposed zoning would match the current zoning of the surrounding properties. As stated above the surrounding properties are a mix of light industrial, commercial and urban residential. And there are property adjoining the North and West property lines of the subject property that are located within City Limits.

The current proposed use of the property is a cold storage building for groceries for the distribution of the goods to Tribal members. The intended use of the building is storage and large-scale delivery of goods. Not as a center of distribution to individuals. The delivery of the goods to individuals will occur at an off-site location.



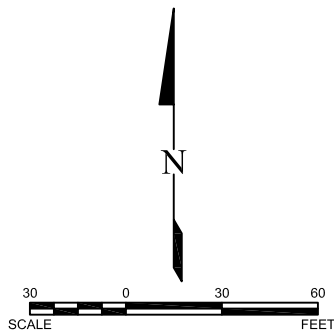
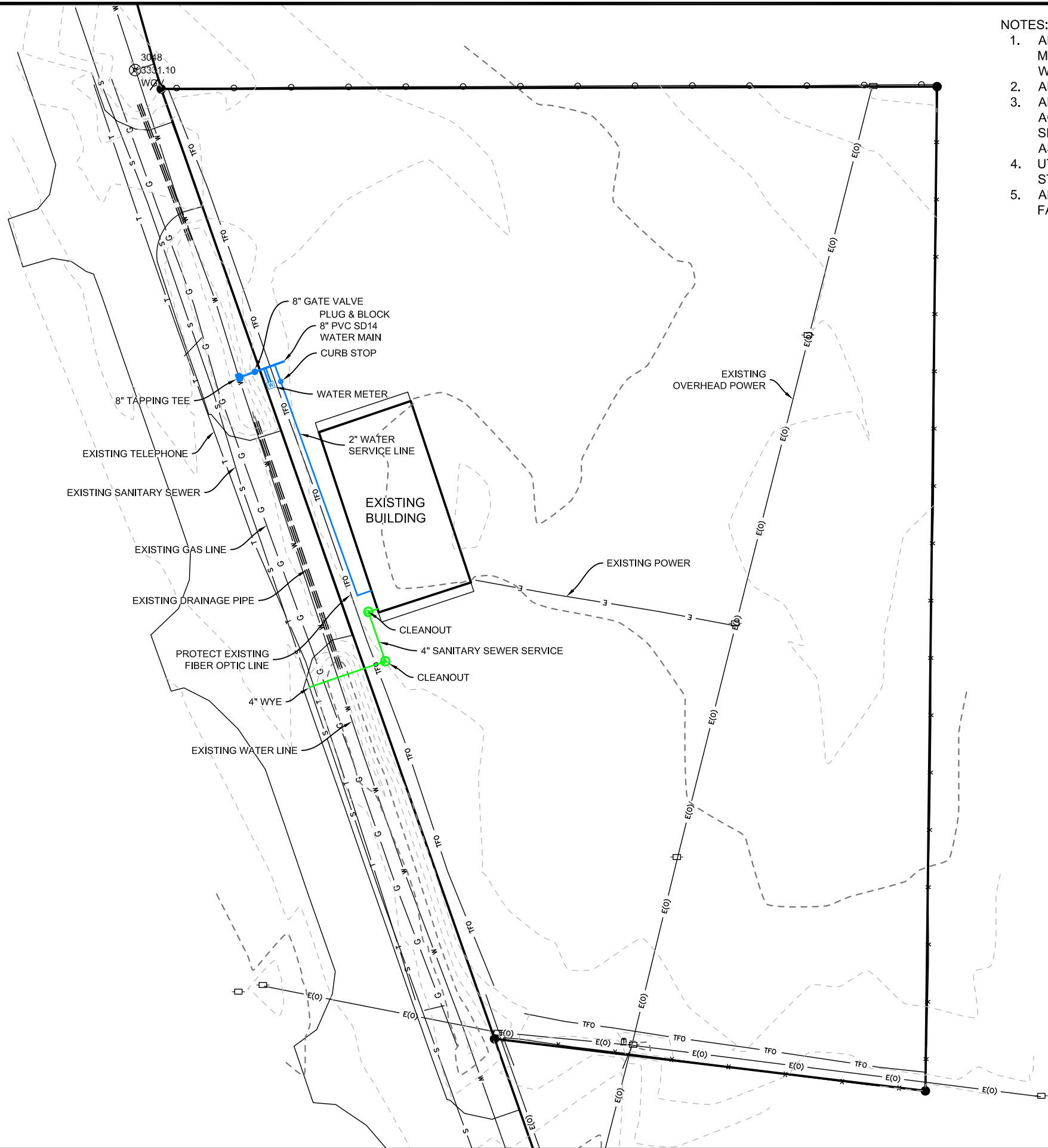
NO.	DATE	REVISION

DRAFTED
RH
REVIEWED
DJR
PROJECT NUMBER
2211-00353
ISSUE DATE
10/2022

**COLD STORAGE BUILDING**  
LITTLE SHELL TRIBE  
GREAT FALLS, MONTANA  
**PRELIMINARY PLAN**

SHEET  
**C1**

- NOTES:
1. ALL WATER MAIN, SERVICE PIPE LINES AND APPURTENANCES MUST ADHERE TO GREAT FALLS CITY STANDARDS FOR PUBLIC WORKS IMPROVEMENTS.
  2. ALL MAINS SHALL BE LAID WITH LOCATING TAPE AND WIRE.
  3. ALL NEW WATER EXTENSIONS WILL BE TESTED IN ACCORDANCE WITH THE MONTANA PUBLIC WORKS STANDARDS SPECIFICATIONS AND THE AMERICAN WATER WORKS ASSOCIATION APPLICABLE STANDARDS.
  4. UTILITY CUT REPAIR SHALL COMPLY WITH CITY PUBLIC WORK STANDARDS SECTION 30.02
  5. ALL SANITARY SEWER SERVICES MUST ADHERE TO GREAT FALLS CITY STANDARDS FOR PUBLIC WORK IMPROVEMENTS.

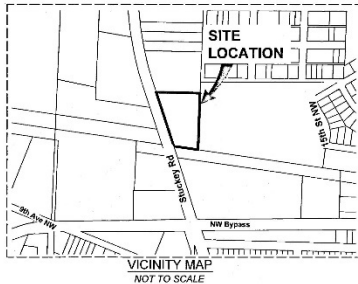


CERTIFICATE OF SURVEY

LOCATION: A PARCEL OF LAND DESCRIBED IN DOC. No. R0178521 LOCATED IN THE  
NW1/4 SECTION 3, T. 20 N., R. 3 E., P.M. MONTANA, CASCADE COUNTY

PURPOSE: RETRACEMENT SURVEY

COMMISSIONED BY: LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA  
OWNER: LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA



**LEGAL DESCRIPTION:**

**TRACT 1:**

**TRACT 1:**  
A PARCEL OF LAND DESCRIBED IN DOCUMENT R0178521, RECORDS OF CASCADE COUNTY, MONTANA LOCATED IN THE NW1/4 OF SECTION 3, T. 20 N., R. 3 E. P.M. 10. THE CASCADE RIVER BEING MORE PARTICULARLY DESCRIBED AS BEING BEGINNING AT THE NW CORNER OF SAID 2222; BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF STUCKEY ROAD, THENCE N192°03'37", 526.88 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID STUCKEY ROAD TO THE SW CORNER OF SAID 2242; BEING THENCE N0°00'00" TO THE NORTHEAST CORNER OF SAID 2242; BEING THENCE ALONG THE SOUTH LINE OF SAID TRACT 1 OF CDS 4768 TO THE SOUTHEAST CORNER OF SAID TRACT 1 OF CDS 4768; THENCE S009°39'52", 525.75 FEET ALONG THE SOUTHEAST CORNER OF SAID TRACT 1 OF CDS 4768 TO THE SOUTHEAST CORNER OF CDS 3798; THENCE N83°08'39"W, 227.25 FEET ALONG THE NORTH LINE OF SAID CDS 2242 TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 3.684 ACRES MORE OR LESS AND IS SUBJECT TO ALL EXISTING EASEMENTS, EASEMENTS HEREIN SET FORTH AND ALL SURVEY AND RECORDS OF RECORD.

(DEED REFERENCE = R0178521)

**CERTIFICATE OF DEQ EXCLUSION (NOT APPLICABLE):**

THIS IS A RETRACEMENT SURVEY OF EXISTING TRACTS OF RECORD ON FILE AT THE CLERK AND RECORDER OFFICE AND IS NOT SUBJECT TO DEQ REVIEW.

**CERTIFICATE OF SURVEYOR**

I, THE UNDERSIGNED, JUSTIN STEFANIK, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY WAS SURVEYED UNDER MY SUPERVISION AND DESCRIBED AS SHOWN ON THE ACCOMPANYING PLAT AND PLATTED IN ACCORDANCE WITH THE PROVISIONS OF THE MONTANA SUBDIVISION AND PLATTING ACT, SECTION 76-3-101 THROUGH 76-3-625, MCA, AND THE CASCADE COUNTY SUBDIVISION REGULATIONS.

DATED THIS 2<sup>nd</sup> DAY OF June, 2023

JUSTIN STEFANIK, PLS  
MT REG. NO. 32881LS



**LEGEND**

- FOUND AS NOTED  
 ● CALCULATED POSITION  
 OPC ORANGE PLASTIC CAP  
 R/R RIGHT-OF-WAY  
 (R) RECORD DIMENSION PER WARRANTY DEED "R0175521"  
 (R1) RECORD DIMENSION PER COS 2242  
 (R2) RECORD DIMENSION PER COS 4726  
 (R3) RECORD DIMENSION PER COS 3779

**SURVEYOR'S NOTES**

1. ALL DISTANCES SHOWN ARE MEASURED UNLESS OTHERWISE NOTED
2. SURVEY WORK PERFORMED MARCH 2022.
3. PARCEL DESCRIPTIONS IN "PARENTHESES" AS LISTED ON MONTANA CADASTRAL

P.M. MONTANA,  
CASCADE COUNTY

1/4	SEC.	T.	R.
<input checked="" type="checkbox"/>	3	20N	3E

**S-0005337 CS**

Total Pages: 1 R 25.50 By: Search 06/06/2022 10:44:09 AM  
Gage County, Rina Ft Stone - Clerk & Recorder



2969 Airport Road, Suite 1B,  
Helena, MT 59601  
(406) 449-7764  
[www.kjeng.com](http://www.kjeng.com)

**BASIS OF BEARING:**  
GEODETIC NORTH: BASED UPON  
G.P.S. OBSERVATIONS AT  
N47°31'27.36012" W111°20'42.85979"

1"=80'

80 0 80 160

SCALE FEET

K:\Projects\Tribal\Tribal\2211-00153 - LittleSiouxReservoirCAD\2211-00153 - Rehabilitation COB.dwg

**IMPROVEMENT AGREEMENT FOR LITTLE SHELL ANNEXATION  
TRACT 1 OF CERTIFICATE OF SURVEY NO. 5337 LOCATED IN THE NW1/4 OF  
SECTION 3, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M, CASCADE COUNTY,  
MONTANA**

This Improvement Agreement (the “Agreement”) is made and entered into by and between the LS Tribe of Chippewa Indians of Montana, a domestic non-profit corporation 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 one tract of land into the corporate limits of the City.

**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 Future Development;

*1.2* Insulates the Future Development from the impact of changes in the City’s subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;

*1.3* Requires the Owner to guarantee that the promised on-site improvements 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 on-site 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 improvements made by the Owner are developed;

*1.8* Embodies certain conditions that were imposed upon approval of the development in order to facilitate their enforcement; and

*1.9* Indemnifies the City from challenges to its approval of the Future Development and holds it harmless from errors and omissions in the approval and oversight of the project.

**2. Subject Property.** This Agreement applies to the real property legally described as follows:

Tract 1 of Certificate of Survey No. S-0005337 Located in the NW1/4 of Section 3, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as “Subject Property”.

**3. Effective Date/Duration.** Unless otherwise indicated, this Agreement shall be effective as of the date signed by the City, and subject to the exceptions stated below, is a perpetual recorded agreement between the Owner and the City.

**3.1 If Work Does Not Begin.** This agreement may be amended if final construction plans for development are not submitted for approval within three years of the date of this Agreement.

**3.2 Failure to Build.** The Owner's failure to complete on-site improvements in accordance with the final construction plans may void this Agreement and the vested rights established by Section 9, below.

**3.3 Failure to Pay.** The Owner's failure to pay the fees listed in this Agreement voids the Agreement and the vested rights established by Section 9, below. It may also result in the City attempting to collect the unpaid amount by any lawful means.

**4. Supporting Documents.** Owner shall submit the following documents to the City for review and approval:

**4.1 Certificate of Survey.** The certificate of survey of Tract 1 of Certificate of Survey No. S-0005337, filed on record in the Clerk and Recorder's Office of Cascade County, Montana.

**4.2 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, which may be recorded in the Clerk and Recorder's Office of Cascade County, Montana.

**5. Changes.** The Owner understands that failure to install required improvements in accordance with the final construction plans approved for the Future Development is a breach of, and may void, this Agreement. The Owner also understands that failure to build in compliance with approved plans is a breach of this Agreement and 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 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:

**5.1 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:

**5.1.1** 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 ten (10) business days of receipt of the revised plans.

**5.1.2** 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 Subject Properties of the OCCGF.

**5.1.3** 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.

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

**5.2 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”:

**5.2.1** A substantial change adds one or more lots; changes the approved use; 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.

**6. Fees.** The Owner understands that it is required to pay the following fees as they come due during the development process.

**6.1 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.

**6.2 Engineering.** The Owner is responsible to pay all applicable engineering fees established by Resolution of the City of Great Falls or its successors.

**6.3 Permit Fees.** The Owner is responsible to pay all applicable permit fees established by Resolution of the City Commission of the City of Great Falls.

**6.4 Connection and Construction Fees.** Water service tapping and water and sewer service connection fees will be assessed at the times of tapping and connections. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with the Subject Properties shall not constitute a waiver by the City.

**6.5 Storm Drain Fee.** The Owner is responsible to pay a storm drain fee in the amount of \$250 per acre for the Subject Property being annexed. This would equal a total of **\$921** for the total 3.684 acres of the Subject Property. The total storm drain fee is to be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

**6.6 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.

**7. 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 with the Future 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. Additionally, an enforceable operation and maintenance agreement with the City and the Owner is required to ensure private stormwater control measures function properly.

**8. On-Site Improvements.** The on-site improvements shall include everything required to provide water service, sanitary sewer service, sanitary sewer industrial pretreatment (as applicable), fire protection, storm drainage, storm water quality treatment, and access. Access for purposes of emergency vehicles shall be installed to the specifications of the City of Great Falls. The Owner agrees to install stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls. Stormwater quantity control measures must comply with standards of the City of Great Falls Storm Drainage Design Manual. The design, installation, inspection, and maintenance responsibilities of these improvements shall be approved by the City of Great Falls.

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

**10. Vested Rights.** The approval of this Agreement by the City creates a vested right that protects the Owner from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until the Agreement expires, as provided in Section 3 of this Agreement. 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. 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 Future Development.

**11. Reimbursements Owed.** As a requirement of Annexation Resolution 9987, sewer and water mains were extended along the frontage of the Subject Property to provide public utility service

for development of property located at 1401 Stuckey Road. The City is still owed \$56,162.59 for expenses from this utility construction. Based on the frontage length of the Subject Property, the Owner shall be required to pay the pro-rata reimbursement cost in the amount of \$45,487.54. This fee shall be paid to the City within thirty (30) days of approval of the Subject Property's annexation.

**12. Maintenance Districts.** 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.

**13. 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.

**14. Public Roadway Lighting.** Owner hereby 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 its proportionate share of the costs associated with roadway lighting which services the Subject Property that may be installed with or without a special lighting district.

**15. 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 zoning classification of M-2 Mixed-use Transitional.

**16. 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.

**17. Binding Effect.** The provisions, covenants and terms of this Agreement shall run with the land and bind the present owner, its 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\*:

---

David Dennis, 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.

LS Tribe of Chippewa Indians of Montana, a  
domestic non-profit corporation,

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

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

:ss.

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand and Twenty-three, 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)

**Exhibit 20-1. Principal Uses by District**

Use	M-2	I-1	Special Standards
Agriculture, horticulture, nursery	-	P	17.20.6.005
Mobile home/park	-	-	17.20.6.010
Residence, single-family detached	P	-	
Residence, zero lot line	P	-	17.20.6.020
Residence, two-family	P	-	
Residence, multi-family	P	-	17.20.6.040
Residence, townhouse	P	-	17.20.6.050
Residence, manufactured/factory-built	P	-	17.20.6.060
Retirement home	P	-	
Community residential facility, type I	P	-	
Community residential facility, type II	C	-	
Day care center	P	-	
Emergency shelter	C	-	
Family day care home	P	-	
Group day care home	P	-	
Nursing home	P	-	
Campground	-	-	17.20.6.070
Hotel/motel	P	-	
Micro-brewery	C	P	17.20.6.080

Restaurant	P	P	17.20.6.080
Tavern	C	P	17.20.6.080
Agriculture sales	-	P	
Auction sales	-	P	
Construction materials sales	-	P	
Convenience sales	-	P	
General sales	P	P	
Manufactured housing sales	-	P	
Off-site liquor sales	C	P	
Secondhand sales	-	P	
Shopping center	-	P	
Administrative services	P	-	
Commercial kennel	-	P	17.20.6.090
Financial services	P	-	
Funeral home	P	-	
General services	P	P	
Professional services	P	-	
Sexually-oriented business	-	P	17.20.6.100
Veterinary clinic, large animal	-	P	
Veterinary clinic, small animal	P	P	17.20.6.110
Large equipment rental	-	P	
Small equipment rental	-	P	
General repair	-	P	

Vehicle fuel sales	-	P	
Vehicle repair	-	P	17.20.6.120
Vehicle sales and rental	-	P	
Vehicle services	P	P	
Agricultural commodity storage facility	-	P	
Climate controlled indoor storage	P	P	
Fuel tank farm	-	-	
Mini-storage facility	C	P	17.20.6.130
Freight terminal	-	P	
Warehouse	C	P	
Casino, type I	-	P	17.20.6.140
Casino, type II	-	P	17.20.6.150
Indoor entertainment	C	-	
Indoor sports and recreation	C	P	
Golf course/driving range	-	-	
Miniature golf	C	C	
Outdoor entertainment	-	C	
Park	P	P	
Recreational trail	P	P	
Administrative governmental center	P	-	
Animal shelter	C	P	17.20.6.160
Cemetery	-	-	17.20.6.170
Civic use facility	P	-	

Community center	P	-	
Community cultural facility	P	-	
Community garden	P	C	17.20.6.175
Public safety facility	P	P	
Worship facility	P	-	17.20.6.180
Health care clinic	P	-	
Health care facility	C	-	
Health care sales and services	P	-	
Commercial education facility	P	P	
Educational facility (K—12)	C	-	17.20.6.200
Educational facility (higher education)	C	-	
Instructional facility	P	P	
Composting facility	-	C	17.20.6.210
Recycling center	-	C	17.20.6.220
Solid waste transfer station	-	C	17.20.6.230
Amateur radio station	-	-	17.20.6.240
Telecommunication facility			17.20.6.250
Concealed facility	P	P	
Unconcealed facility	C	P	
Co-located facility	C	P	
Utility installation	C	C	
Airport	-	-	
Bus transit terminal	C	P	
Heli-pad	C	P	17.20.6.260

Parking lot, principal use	P	P	
Parking structure	P	P	
Railroad yard	-	P	
Taxi cab dispatch terminal	P	P	
Contractor yard, type I	P	P	17.20.6.270
Contractor yard, type II	C	P	17.20.6.280
Artisan shop	P	P	
Industrial, heavy	-	-	
Industrial, light	-	P	
Industrial park	-	P	
Junkyard	-	C	17.20.6.290
Light manufacturing and assembly	P	P	17.20.6.300
Motor vehicle graveyard	-	-	17.20.6.310
Motor vehicle wrecking facility	-	-	17.20.6.320

- The use is not permitted in the district

C The use is allowed through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

(Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3068, § 2, 4-5-2011; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012; Ord. 3166, 2017; Ord. 3221, 2020)

**Exhibit 20-2. Accessory uses by district**

Use	M-2	I-1	Special Standards
Accessory living space	P	-	17.20.7.010
Agriculture, livestock	-	-	17.20.7.080
ATM, exterior	P	P	17.20.7.020
Bed and breakfast	P	-	17.20.7.030
Fences	P	P	17.20.7.040
Gaming, accessory	P	P	17.20.7.050
Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Private stable/barn	-	-	17.20.7.080
Residence, accessory	P	P	17.20.7.085
Roadside farmer's market	-	-	17.20.7.090
Storage containers	-	P	17.20.7.100
Wind-powered electricity systems	P	P	17.20.7.110

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

(Ord. No. 3034, § 1, 7-21-2009; Ord. No. 3056, § 1, 8-17-2010; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

**Exhibit 20-3. Temporary uses by district (see 17.20.8.010 for Special Standards)**

Use	M-2	I-1	Special Standards
Garage sales	P	P	17.20.8.015
Itinerant outdoor sales	P	C	17.20.8.020
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	-	17.20.8.040
Outdoor entertainment, temporary	-	P	
Sidewalk café	P	-	17.20.8.050
Sidewalk food vendor	P	-	17.20.8.060

- The use is not permitted in the district

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

(Ord. No. 3056, § 1, 8-17-2010; Ord. 3221, 2020)

**Exhibit 20-4 (continued). Development standards for other zoning districts**

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in	65 feet	45 feet	none

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(Supp. No. 16)

	when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district						the proposed medical district master plan area, 160 feet by right			
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet	none
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal	Commercial: none Residential: none	Commercial: none Residential: 5 feet each	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet

and accessory buildings	5 feet each side	side Existing Industrial: 15 feet each side									when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

( Ord. 3232 , 2021; Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)