



**Planning Advisory Board/Zoning Commission Agenda
June 11, 2024 3:00 P.M.
2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center**

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

- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.
- Public participation is welcome in the following ways:
- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, June 11, 2024 to: jnygard@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the Planning Advisory Board/Zoning Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

OPENING MEETING

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

Dave Bertelsen - Chair

Tory Mills - Vice Chair

Julie Essex

Lindsey Gray

Pat Green

Samantha Kaupish

Jake Schneiderhan

3. Staff Recognition
4. [Approval of Meeting Minutes - May 14, 2024](#)

BOARD ACTIONS REQUIRING PUBLIC HEARING

5. [Public Hearing - Annexation of parts of Lot 12-A, Block 13 of the Country Club Addition, Section 14, T20N, R3E, P.M.M., Cascade County, Montana \(423 Riverview Court\); and, establishing the City zoning classification of R-2 Single-family Medium Density](#)

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

COMMUNICATIONS

PUBLIC COMMENT

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

ADJOURNMENT

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

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

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

MINUTES OF THE MEETING
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
May 14, 2024

CALL TO ORDER

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

ROLL CALL & ATTENDANCE

UPDATES CONCERNING PROCESS OF MEETINGS

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

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Planning Board Members present:

Dave Bertelsen, Chair

Tory Mills, Vice Chair

Lindsey Gray

Samantha Kaupish

Jake Schneiderhan

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Planning Board Members absent:

Julie Essex

Pat Green

Planning Staff Members present:

Brock Cherry, Director Planning and Community Development

Lonnie Hill, Deputy Director Planning and Community Development

Kayla Kryzsko, Assistant City Planner

Rachel Campbell, Permit Technician

Other Staff present:

David Dennis, City Attorney

Lisa Kunz, City Clerk

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

MINUTES

Chair Bertelsen asked if there were any comments or corrections to the minutes of the meeting held on April 9, 2024. Seeing none, the minutes were approved.

BOARD ACTIONS NOT REQUIRING A PUBLIC HEARING

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

Lonnie Hill, Deputy Director, presented to the Board. He stated that each metropolitan planning organization (MPO) must prepare a Metropolitan Transportation Plan (MTP) to accomplish the objectives outlined by the MPO with respect to the development of the metropolitan area's transportation network.

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Mr. Hill stated that the Great Falls Metropolitan Transportation Planning Process is established by agreement with the following local agencies:

- City of Great Falls
- Great Falls Planning Advisory Board
- Cascade County
- Cascade County Planning Board
- Great Falls Transit District
- State of Montana

Mr. Hill stated that the request presented was to amend the agreement and stated that the last update was in 2018 which included minor changes to respond to Federal requirements and titles for staff representation.

Mr. Hill stated that the recent interpretation by the Federal Transit Administration (FTA) necessitates a minor update. Staff has also updated the titles of the Technical Advisory Committee (TAC). Each participating agency is asked to renew its commitment to the Transportation Planning Process.

Mr. Hill stated that the agreement was provided to the Board Members as an attachment in the Agenda Packet. He also stated that Staff recommends approval of the 2024 Memorandum of Agreement for the Great Falls Metropolitan Planning Process.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board approve the 2024 Memorandum of Agreement for the Great Falls Metropolitan Transportation Planning Process.

Made by: Mr. Mills

Second by: Mr. Schneiderhan

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

BOARD ACTIONS REQUIRING A PUBLIC HEARING

Annexation of Lot 3, Block 3 of the First Addition to Viles' and Robinson's Acre Tracts. Sec 35, T21N, R3e, P.M.M., Cascade County, Montana (2617 6th Street NW); and, establishing the City zoning classification of R-2 Single-family Medium Density

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Kayla Kryzsko, Assistant City Planner, presented to the Board. Ms. Kryzsko gave some background on the subject property and stated that the applicant, Leigh Larson, was proposing connection to the City sanitary sewer main located in 6th Alley NW. The property size is 0.413 acres and is an existing Single-family residence that is connected to City water utilities.

Ms. Kryzsko presented an Aerial Map, Zoning Map, and a Site Photo.

Ms. Kryzsko presented the Basis of Decision – Annexation

1. Contiguous to City limits on south and east property lines.
2. Consistent with Growth Policy.
 - Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
 - Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
 - Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.
3. Public Services Provided
 - Water service previously established
 - Sanitary sewer service to be connected
4. Cost of Improvements
 - Annexation Agreement outlines responsibility and cost for various improvements.

Ms. Kryzsko presented the Basis of Decision – Zoning

1. Consistent with the Growth Policy
 - Social Policy 1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
 - Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.
 - Physical Policy 4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.
2. The proposed R-2 Single-family Medium Density
 - Aligns with zoning of surrounding area.
 - Aligns with current use of the subject property.

Ms. Kryzsko stated that Staff and the applicant presented at the May 2, 2024 Neighborhood Council #3 meeting and the Council unanimously voted to support the request.

Ms. Kryzsko stated that Staff recommends approval of the annexation and assignment of R-2 Single-family Medium Density zoning with the following Conditions of Approval:

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

Ms. Kryzsko stated that the applicant, Leigh Larson, was present for any questions.

PUBLIC QUESTIONS

None

PROponents

None.

OPponents

None.

BOARD DISCUSSION AND ACTION

Ms. Gray asked if the parcel next to the requested subject property would be the only lot outside of the City, if the request is approved. Mr. Cherry responded that it would be.

MOTION: That the Planning Advisory Board recommend the City Commission approve the annexation of the properties legally described as Lot 3, Block 3, of the First Addition to Viles’ and Robinson’s Acre Tracts and the Conditions of Approval being fulfilled by the applicants.

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Made by: Mr. Mills

Second by: Ms. Kaupish

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

MOTION: That the Zoning Commission recommend the City Commission approve the establishment of R-2 Single-family Medium Density zoning for the subject property as legally described in the staff report, and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicants.

Made by: Ms. Kaupish

Second by: Ms. Gray

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

COMMUNICATIONS

None.

PUBLIC COMMENTS

None.

ADJOURNMENT

There being no further business, Chair Bertelsen adjourned the meeting at 3:18 p.m.

CHAIRMAN DAVE BERTELSEN

SECRETARY BROCK CHERRY



Meeting Date: June 11, 2024

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

- Item:** Public Hearing - Annexation of parts of Lot 12-A, Block 13 of the Country Club Addition, Section 14, T20N, R3E, P.M.M., Cascade County, Montana (423 Riverview Court); and, establishing the City zoning classification of R-2 Single-family Medium Density
- Initiated By:** Estate of Sharon C. Wilson, Owner
- Presented By:** Sara Doermann, Associate Planner, Planning and Community Development
- Action Requested:** Recommendation to the City Commission

Public Hearing:

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

Suggested Motion:

1. Board Member moves:

“I move that the Planning Advisory Board recommend the City Commission (approve/deny) the annexation of the property legally described as lot 12-A, Block 13 of the Country Club Addition, and the accompanying Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.”

And;

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

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

Background:

In April of 2024, the owner of the property located at 423 Riverview Court submitted an application to annex portions of adjacent land on the west and east sides of the existing property shown on *Attachment F – Amended Plat*. The purpose of this annexation is to file an amended plat that adjusts boundary lines to address building encroachments on neighboring properties and to incorporate the area between the existing eastern property line and the ordinary low water line of the Missouri River. The existing

residence is served by City utility connections to water and sanitary sewer. No development or building permit is being requested as part of this application. The owner has verbally agreed to an Annexation Agreement, *Attachment D*. This agreement outlines the owner's responsibility for cost, and addresses the creation of any special improvement districts.

Public notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the Great Falls Tribune on May 26, 2024. Additionally, mailers were sent to neighbors within 150 feet, and a sign was placed on the premises of the subject property.

Annexation Request Summary & Establishment of Zoning:

A portion of the subject property, approximately 26,264 square feet, is already within the City limits. The annexation request is to add approximately 4,850 square feet of land adjacent to the west property line of the existing lot to include existing building encroachments, and approximately 5,841 square feet of land adjacent to the east property line between the existing lot line and the ordinary low water line of the Missouri River as can be seen on *Attachment F – Amended Plat*. Together, these two annexation areas total 10,691 square feet, or 0.245 acres. If approved, after annexation and a boundary line adjustment, the total area of Lot 12-A will be 36,955 square feet, or 0.848 acres. The property proposed for annexation is contiguous to the existing city limits through the portion of the subject property that is already within City limits and the property to the south. In summary, the requested annexation is supported by City staff. The basis for decision of the Planning Advisory Board and the decision of the City Commission shall, at a minimum, consider the criteria, which are attached as *Attachment A – Basis of Decision – Annexation by Petition*.

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

Neighborhood Council Input:

The subject property is located adjacent to Neighborhood Council #1. The project was presented to the Council at their regularly scheduled meeting on May 14th, 2024. The Council voted unanimously to support the request.

Concurrences:

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

Fiscal Impact:

The request to annex the subject property will utilize existing utility infrastructure and is located within an area currently served by City Fire and Police. The annexation will add one (1) lot within the city, which will increase the City's tax base.

Staff Recommendation:

Staff recommends approval of the annexation and assignment of R-2 Single-family Medium Density zoning of lot 12-A, Block 13 of the Country Club Addition with the following conditions:

Conditions of Approval:

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

Alternatives:

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

Attachments/Exhibits:

- Attachment A - Basis of Decision – Annexation
- Attachment B - Basis of Decision – Zoning Map Amendment
- Attachment C - Aerial Map
- Attachment D - Annexation Agreement
- Attachment E – Application and Narrative
- Attachment F – Amended Plat

Attachment A

BASIS OF DECISION – ANNEXATION

Lot 12-A, Block 13 of the Country Club Addition, Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana

PRIMARY REVIEW CRITERIA:

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

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

The subject property is contiguous to the existing City limits, with a portion of the subject property being previously annexed.

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

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

- Social Policy 1.4.13 – Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.
- Environment 2.3 – Enhance the urban built environment by promoting infill and redevelopment in the City.
- Physical Policy 4.2.5 – 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 property to be annexed is located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, nor any other Council within the City. The project was presented to the Council at their regularly scheduled meeting on May 14th, 2024. The Council voted unanimously to support the request.

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

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

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

The City has the capacity to provide public services to the subject property, as they are within an area served by the City Fire and Police Department. The subject property is already served by City water and sanitary sewer.

Attachment A

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

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

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

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

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

The subject property has been surveyed and will record a boundary line adjustment as part of the Amended Plat of portions of Lot 12, Block 13, Country Club Addition, Great Falls, Montana concurrently with the annexation request.

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

As mentioned above, the City is currently providing water and sanitary sewer services to the subject property and existing residence.

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

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

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

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

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

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

Attachment B

BASIS OF DECISION – ZONING MAP AMENDMENT

Lot 12A, Block 13 of the Country Club Addition, Section 14, 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 (OCCGF) § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

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

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

- Social Policy 1.4.13 – Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.
- Environment 2.3 – Enhance the urban built environment by promoting infill and redevelopment in the City.
- Physical Policy 4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

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

The subject property is located adjacent to Neighborhood Council #1. There is no adopted neighborhood plan for Neighborhood Council #1, nor any other Council within the City. The project was presented to the Council at their regularly scheduled meeting on May 14th, 2024. The Council voted unanimously to support the request.

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

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

4. The code with the amendment is internally consistent.

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

Attachment B

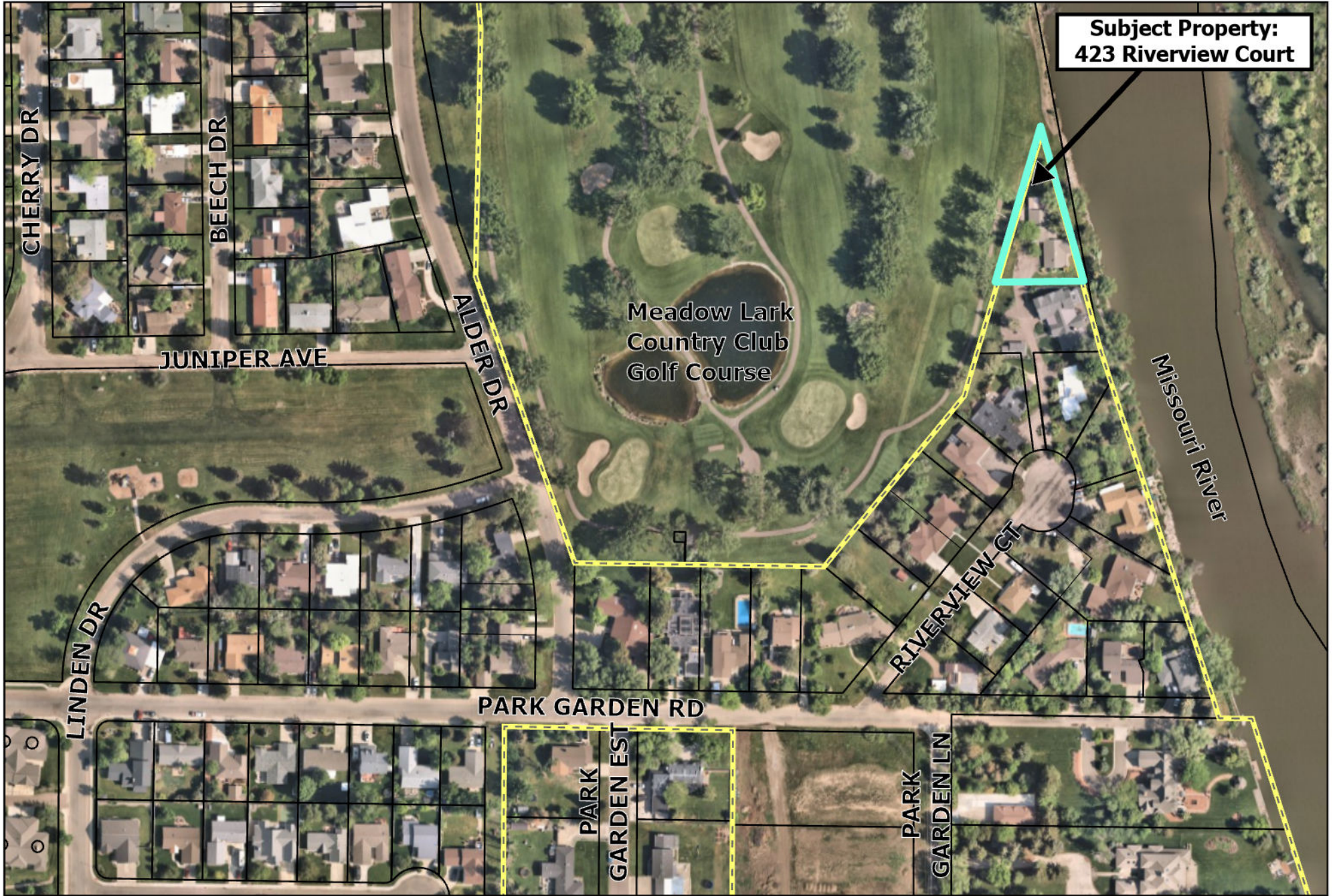
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

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

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

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

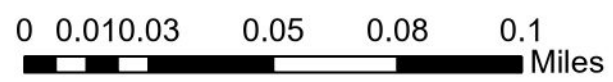
Aerial Map



**Subject Property:
423 Riverview Court**



- CityStreets
- City Limit
- Parcels
- LotLines



Attachment D

ANNEXATION AGREEMENT

TRACT OF LAND LEGALLY DESCRIBED AS LOT 12-A, BLOCK 13 OF THE COUNTRY CLUB ADDITION, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.

The following is a binding Agreement dated this _____ day of _____, 2024, between the Estate of Sharon C. Wilson, hereinafter referred to as "Owner", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land into the corporate limits of the City legally described as Lot 12-A, Block 13 of the Country Club Addition, Section 14, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agrees to terms applicable to the Subject Property. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

1. Purpose. The purpose of this Agreement is to ensure that the Owner understands and agrees to certain conditions relating to the requested Annexation. Generally, this Agreement:

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

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

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

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

2.1 Plat. The Amended Plat of Portions of Lot 12, Block 13, Country Club Addition, Great Falls, Montana to be filed on record in the Clerk and Recorder's Office of Cascade County, Montana, upon approval by the City of Great Falls.

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

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

3.1 Recording Fees. The Owner will pay all recording fees at the rate charged by Cascade County at the time the annexation resolution and this Agreement are submitted for recording.

3.2 Storm Drain Fee. The Owner will pay a storm drain fee in the amount of \$250 per acre for annexation of the Subject Property. This equates to **\$61.25** for the total 0.245 acres of the Subject

Property. The total storm drain fee shall be paid to the City no later than 30 days after City Commission action to annex the Subject Property into the City.

3.3 Payment of Application Fees Acknowledged. The following fees have been paid by the Owner: \$3,000.00 application fee for annexation and \$400.00 for the administrative plat.

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

5. On-Site Improvements. Any on-site improvements required to provide water, sanitary sewer, access, and other similar improvements shall be the responsibility of the Owner. If necessary, the Owner shall provide public utility easements for all required public utilities and any related access to such utilities by the City.

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

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

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

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

10. Floodplain Regulations. The subject property is located within the Special Flood Hazard Area as identified by the Federal Emergency Management Agency (FEMA) flood maps. Development, new construction, alteration or substantial improvement may not commence without full compliance with the provisions of OCCGF Title 17, Chapter 56 – Floodplain Overlay Districts and will require a floodplain permit.

11. Limitation of Liability. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this Agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State and Federal

requirements, and other applicable standards. The City's limited plan review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City's limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to the Subject Property described herein. Upon the transfer of ownership of the property, the prior owner (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost, is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the Owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

12. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present Owner, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

[remainder of page left intentionally blank]

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.

Estate of Sharon C. Wilson

By: _____

Its: _____

State of _____)
:ss.
County of _____)

On this _____ day of _____, in the year Two Thousand and Twenty-four, 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.

Printed Name: _____
Notary Public for the State of _____
Residing at _____
My Commission Expires: _____

(NOTARIAL SEAL)

Date Stamp:

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT DEPT.
P.O. BOX 5021, GREAT FALLS, MT, 59403-5021
406.455.8430 • WWW.GREATFALLSMT.NET

ANNX-000016-2024

LAND USE APPLICATION

Amended Plat of portions of Lot 12, Block 13, Country Club

Name of Project (if applicable):

423 Riverview Court, Great Falls, MT 59404

Project Address:

The Estate of Sharon C. Wilson, Melissa J. Pate, rep.

Applicant/Owner Name:

423 Riverview Court, Great Falls, MT 59404

Mailing Address:

(406) 600-3174

melissajpate@gmail.com

Phone:

Email:

Stephen D. Babb, PLS, CFedS

Representative Name:

(406) 788-6896

babbsurvey@bresnan.net

Phone:

Email:

- Annexation: \$3,000 + \$150/acre
- Preliminary Plat, Major: \$4,000 + \$100/lot
- Final Plat, Major: \$2,000 + \$50/lot
- Minor Subdivision: \$3,000
- Zoning Map Amendment: \$4,000
- Conditional Use Permit: \$3,000
- Planned Unit Development: \$4,000
- Amended Plat, Non-administrative: \$3,000

LEGAL DESCRIPTION:

Portions of Lot 12, Block 13, Country Club Addition

Lot/Block/Subdivision:

Government Lot 10, Section 14, Township 20 North, Range 3 East, Cascade County, MT

Section/Township/Range:

ZONING (ZONING MAP AMENDMENT ONLY):

LAND USE (CONDITIONAL USE ONLY):

Current:

Proposed:

Current:

Proposed:

I (We), the undersigned, understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (We) further understand that public hearing notice requirements and associated costs for land development projects are my (our) responsibility. I (We) further understand that other fees may be applicable per City Ordinances. I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Melissa Pate Co-Representative 4.8.2024

Applicant/Owner's Signature:

Date:

S.D. Babb

4/8/2024

Representative's Signature:

Date:



Stephen D. Babb
Professional Land Surveyor

April 8, 2024

City of Great Falls
Planning & Community Development
PO Box 5021
Great Falls, MT 59403-5021

RE: ANNEXATION: Narrative of proposed use and requested zoning
Amended Plat of portions of Lot 12, Block 13, Country Club Addition
423 Riverview Court, Estate of Sharon C. Wilson

Ladies and Gentlemen,

My Client desires to annex portions Meadowlark Country Club property with common boundary lines with their existing Lot.

The existing boundary line relocation which totals 4,850 square feet on the attached Amended Plat on the westerly edge of the existing lot is required to remedy existing improvement and building encroachments which have occurred in the past that have recently come to light.

The existing boundary line relocation which totals 5,841 square feet on the attached Amended Plat on the easterly edge of the existing lot, which lies between the existing lot line as platted and the ordinary low water line of the Missouri River, is required to remedy a dispute between my Client and MLCC as to the ownership of the area.

Both of these proposed boundary relocations have been negotiated and agreed to between my Client and MLCC.

The existing city limits are contiguous and common to the existing lot lines, therefore these areas will need to be annexed into the city in order to facilitate the boundary line changes.

The proposed use of these annexed areas will remain the same as driveway, landscaped area, and river access areas.

The requested zoning on the annexed areas is requested to be R-2, single family, medium density, as is currently the zoning on the existing lot.

Best Regards,

Stephen D. Babb, PLS, CFedS
Babb Land Surveying, Inc.

MT Reg #11699
AZ Reg #26917

622 Alice Drive
Great Falls, MT 59405

PHONE (406) 268-1188
FAX (406) 268-1189
CELL (406) 788-6896

