



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
April 02, 2024
7:00 PM**

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.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: commission@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.

Meeting Decorum Statement

1. Members of the public shall address their comments to the presiding officer and the Commission as a body and not to any individual member of the Commission or City staff.
2. Speakers shall keep their comments germane to the subject item on the agenda or, during petitions and communications, matters of significant public interest which are within the jurisdiction of the Commission.
3. Be respectful and do not engage in disorderly or boisterous conduct, including but not limited to applause, booing, or making any remarks that are, threatening, profane, abusive, personal, or slanderous that disturbs, disrupts, or otherwise impedes the orderly conduct of our meeting.
4. Signs, placards, banners, or other similar items shall not be permitted in the audience during our City Commission meeting.
5. Remain seated, unless addressing the body at the podium or entering or leaving the meeting. Private or informal conversations may occur outside of the Chambers. Obey any lawful order of the Presiding Officer to enforce the Rules of Decorum.
6. A complete copy of Rule 10 pertaining to the public participation is available on the table in the Commission Chambers and is included with the Meeting posting on the City's Website.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PROCLAMATIONS

- [1.](#) Arbor Day [April 26, 2024], Sexual Assault Awareness Month [April], Child Abuse Prevention Month [April], Public Safety Telecommunicators Week [April 14-20, 2024], Animal Control Officer Appreciation Week [April 14-20, 2024] and Week of the Child [April 6-12, 2024].

MILITARY UPDATES

2. Miscellaneous Reports and announcements from Montana Air National Guard.

PETITIONS AND COMMUNICATIONS

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and either your address or whether you are a city resident for the record.)

3. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

4. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

5. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

6. Miscellaneous reports and announcements from City Manager.

CONSENT AGENDA

The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.

- [7.](#) Minutes, March 19, 2024, City Commission Meeting.
- [8.](#) Total Expenditures of \$2,591,235 for the period of March 7, 2024 through March 20, 2024, to include claims over \$25,000, in the amount of \$2,050,471.
- [9.](#) Contracts List.
- [10.](#) Award a contract in the amount of \$1,030,645 to United Materials of Great Falls, Inc., for the East Fiesta Street Reconstruction project, and authorize the City Manager to execute the contract documents.
- [11.](#) Approve a Professional Services Agreement in the amount not to exceed \$294,189 to Advanced Engineering and Environmental Services, LLC. for the Sanitary Sewer System Capacity Model project, and authorize the City Manager to execute the agreement documents.
- [12.](#) Reject the single bid received for a Construction Contract for 32nd Street South ADA Upgrades, Phase 1 and direct staff to modify project size and re-advertise for bids.
- [13.](#) Set a public hearing for May 7, 2024 on Resolution 10538, Establishing Residential and Commercial Sanitation Service Collection Rates Effective June 1, 2024.
- [14.](#) Set a public hearing for May 7, 2024 on Resolution 10537, Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective June 1, 2024.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member. After motion is made, Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

PUBLIC HEARINGS

- [15.](#) Ordinance 3265 and Resolution 10539, Amending Title 13, Chapter 24, and Title 17, Chapters 48 and 52 referencing the City of Great Falls Storm Design Manual or Storm Drainage Design Manual and clarifying applicability thresholds and adopting the Storm Drainage Design Manual. *Action: Adopt or deny Ord. 3265 and adopt or deny Res. 10539. (Presented by Christoff Gaub)*
- [16.](#) Ordinance 3264, To rezone the property addressed as 805 2nd Street SW, from R-1 Single-family Suburban to M-2 Mixed-use Transitional. (Bay View Apartments) *Action: Conduct a public hearing and adopt or deny Ord. 3264. (Presented by Brock Cherry)*

OLD BUSINESS

NEW BUSINESS

- [17.](#) Community Development Block Grant (CDBG) Funding Agreement with the Great Falls Housing Authority for the purchase and installation of twenty-four (24) Amana Furnaces. *Action: Approve or not approve the funding agreement. (Presented by Tom Hazen)*
- [18.](#) Community Development Block Grant Coronavirus (CDBG-CV) Funding Agreement with the YWCA Great Falls to provide one-on-one counseling to 75 low to moderate income individuals. *Action: Approve or not approve the funding agreement. (Presented by Tom Hazen)*

ORDINANCES / RESOLUTIONS

- [19.](#) Resolution 10544, Establishing a Public Safety Advisory Committee. *Action: Adopt or deny Res. 10544. (Presented by City Commissioners)*

CITY COMMISSION

20. Miscellaneous reports and announcements from the City Commission.
21. Commission Initiatives.

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.

Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.

PROCLAMATION



WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

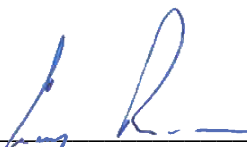
NOW, THEREFORE, I, CORY REEVES, MAYOR OF THE CITY OF GREAT FALLS,
do hereby proclaim April 26, 2024, as

ARBOR DAY

in the City of Great Falls, and urge all citizens to celebrate Arbor Day and support efforts to protect our trees and woodlands, and, further, urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

IN WITNESS WHEREOF, I have hereto set my hand
and caused the Seal of the City to be affixed this 7th day
of February, 2024.





Cory Reeves, Mayor

PROCLAMATION



- WHEREAS,** Sexual assault, at its core, is a devastating abuse of power — one that affects people of every age, race, sex, gender identity, sexual orientation, national origin, socioeconomic background, and religion; and,
- WHEREAS,** The YWCA Great Falls calls attention to the fact that sexual violence is widespread and impacts every person in the community, and that over half of women and almost 1 in 3 men have experienced sexual violence involving physical contact during their lifetimes; and,
- WHEREAS,** Every Montanan deserves to live free from harm and fear of sexual assault or abuse, and no one has the right to force, threaten, coerce, or manipulate anyone into sexual activity; and,
- WHEREAS,** Organizations like YWCA Great Falls work towards the elimination of sexual violence and provide necessary services, working and serving by providing emergency shelter, advocacy education, awareness, community resources, and collaboration to ensure that all victims are empowered to achieve self-sufficiency.

NOW, THEREFORE, I, CORY REEVES, MAYOR OF THE CITY OF GREAT FALLS, do hereby proclaim April 2024 as

Sexual Assault Awareness Month

in the City of Great Falls, and ask that all Montanans come together to stand against sexual assault in our homes and communities, commit to keeping our citizens safe, and to increase support to victims and survivors of sexual assault.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City to be affixed this 2nd day of April, 2024.



Cory Reeves, Mayor



PROCLAMATION

- WHEREAS,** on behalf of the children in Great Falls, the Prevent Child Abuse and Neglect (PCAN) Task Force is recognizing April 1-30, 2024, as CHILD ABUSE PREVENTION MONTH in Great Falls, Montana; and,
- WHEREAS,** child abuse is among our community's most serious societal issues, affecting all families in spite of age, race, gender, religion and economic status; and,
- WHEREAS,** our community's children need strong, healthy families that can provide for their physical, emotional and developmental needs. By recognizing and building on existing strengths within families and our community, we can support families by providing resources and promoting a safe, loving environment for their children; and,
- WHEREAS,** setting this month aside offers advocates of child abuse prevention an opportunity to enlighten the public and policy makers about the effectiveness of community education and involvement; and,
- WHEREAS,** as advocates of child abuse prevention, PCAN will display "Pinwheels for Prevention" and metal silhouettes of children at Paris Gibson Square Museum of Art as part of the Yours, Mine, Ours campaign, a reminder there are many positive ways that anyone can be engaged in child abuse prevention; and,
- WHEREAS,** Partnering for Prevention is sponsoring a week of "NO More Violence (April 8th -12th) in collaboration with the statewide Child Abuse and Neglect (CAN) Conference (April 9th-11th) in Great Falls, highlighting needs, innovative models of response and professional resources to address child abuse and family violence.

NOW, THEREFORE, I, CORY REEVES, MAYOR OF THE CITY OF GREAT FALLS, do hereby proclaim April 1-30, 2024 as

Child Abuse Prevention Month

in the City of Great Falls, and urge all citizen to recognize that child abuse prevention is an investment in the future we all must share.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City to be affixed this 2nd day of April, 2024.



Cory Reeves, Mayor

PROCLAMATION

On April 12, 1994, President William Clinton signed Proclamation 6667 delegating the 2nd week of April as National Public Safety Telecommunicators Week. April 2024 marks the 30th Anniversary.

WHEREAS, emergencies can occur at any time that require law enforcement, fire and/or medical services; and

WHEREAS, when an emergency occurs the prompt response of law enforcement, firefighters and/or medical personnel is critical to the protection of life and the preservation of property; and

WHEREAS, the safety of our law enforcement officers, firefighters and/or medical personnel is dependent upon the quality and accuracy of information obtained from citizens and visitors who contact the Great Falls/Cascade County Emergency Communications Center; and

WHEREAS, Public Safety Communications Officers serve as the vital link for our first responders by monitoring their activities by radio and computer, providing them information and ensuring their safety; and

WHEREAS, the Public Safety Communications Officers of the Great Falls/Cascade County Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and providing lifesaving instructions to the public; and

WHEREAS, each Public Safety Communications Officer has exhibited compassion, understanding and professionalism during the performance of his or her job in the past year.

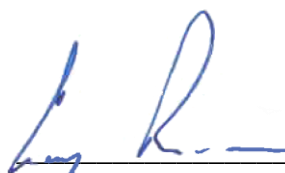
NOW, THEREFORE, I, CORY REEVES, MAYOR OF THE CITY OF GREAT FALLS,
do hereby proclaim April 14-20, 2024, as

PUBLIC SAFETY TELECOMMUNICATORS WEEK

in the City of Great Falls, and urge all citizens to honor the men and women whose diligence and professionalism keep our city, citizens and visitors safe.



IN WITNESS WHEREOF, I have hereto set my hand
and caused the Seal of the City to be affixed this
2nd day of April 2024.


Cory Reeves, Mayor



PROCLAMATION

Whereas, the National Animal Care and Control Association has designated April 14 - 20, 2024 as Animal Control Officer Appreciation Week; and

Whereas, various federal, state, and local government officials throughout the country take this time to recognize, thank and commend all Animal Control Officers for the dedicated service they provide to the citizens, public safety, domestic animals, livestock and wildlife across the nation; and

Whereas, every day, Animal Control Officers put themselves in potentially dangerous situations to protect the health and welfare of all kinds of animals and the public; and

Whereas, the City of Great Falls recognizes and commends the work done by the officers of the Great Falls Police Department on a daily basis to the citizens of our community, and specifically recognize the following employees for their hard work: Alisa Ethridge, Tiffany Staigmiller, and Jessica Becker; and

Whereas, the City of Great Falls recognizes the Animal Control Officers who answer calls for assistance, capture roaming and potentially dangerous animals, rescue animals in distress, investigate reports of animal cruelty and neglect, provide education for pet guardians about responsible pet care and mediate disputes between neighbors regarding conflicts involving animals.

NOW, THEREFORE, I, CORY REEVES, Mayor of the City of Great Falls, do hereby proclaim April 14 - 20, 2024 as

ANIMAL CONTROL OFFICER APPRECIATION WEEK

in the City of Great Falls, and I encourage all citizens to join us in expressing our sincere appreciation for the service of these officers.



IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City to be affixed this 2nd day of April, 2024.

A handwritten signature in blue ink, appearing to read "Cory Reeves".

Cory Reeves, Mayor

PROCLAMATION

WHEREAS, the first years of a child's life are the period of most rapid brain development and lay the foundation for all future learning; and

WHEREAS, participation in high-quality early childhood education saves taxpayers dollars, makes working families more economically secure, and prepares children to succeed in school, earn higher wages, and live healthier lives; and

WHEREAS, high-quality early childhood education depends on high-quality early childhood educators who ensure that children, supported by families, have the early experiences they need for a strong foundation; and

WHEREAS, young children need skilled, educated, competent, consistent, and compensated early childhood educators; and

WHEREAS, working families need sufficient high-quality child care spaces beginning at birth to be available in the community; and

WHEREAS, early childhood educators need the ability to earn a family-sustaining wage that is commensurate with the required education and skills they bring to the complex and valuable work they do.

NOW, THEREFORE, I, CORY REEVES, MAYOR OF THE CITY OF GREAT FALLS, do hereby proclaim April 6-12, 2024, as

Week of the Young Child

in the City of Great Falls, and hereby recognizes that high quality early childhood education, provided in a mixed-delivery system, is a public good, and should be financed as such. That the complex, valuable and demanding work of early childhood educators should be valued, respected, and compensated for the important roles they play. We commit to investments that stabilize, sustain, and support child care and early learning so this essential workforce can continue to support children, families, and our economy.



IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the City to be affixed this 2nd day of April, 2024.

Cory Reeves, Mayor

JOURNAL OF COMMISSION PROCEEDINGS
March 19, 2024

Regular City Commission Meeting

Mayor Reeves presiding
 Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Cory Reeves, Joe McKenney, Rick Tryon, Shannon Wilson and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman; City Attorney David Dennis; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: There were no proposed changes to the agenda by the City Manager or City Commission. The Agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

COMMUNITY INITIATIVES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM CITY COUNTY HEALTH DEPARTMENT (CCHD).

Erin Rollins, Prevention Services Division Manager, reported that a survey would be posted on the CCHD website and social media asking the public about expanded hours for services.

Wade Stout, Tobacco Education Specialist, discussed the vaping epidemic in Great Falls, dangers of vaping and nicotine, and the effects of second hand vapor. Twenty-six percent of Montana high school students vape compared to fifteen percent nationally. Seven percent use traditional cigarettes and five percent use chewing tobacco. People that vape suck more nicotine into their bodies than traditional cigarettes. Nicotine is highly addictive and is harmful to the young brain that does not fully mature until about age 25. When one vapes, they are breathing microscopic metal particles and chemicals into their lungs, and when they exhale they are exposing those nearby to the same chemicals and metallic particles.

Helena, Billings and Missoula have made it illegal to vape where smoking is already prohibited by the Clean Indoor Air Act.

Commissioner Wolff commented that it was heartbreaking to hear from a sixth grader asking how to keep herself safe and healthy in a house where the parents vape.

2. PETITIONS AND COMMUNICATIONS

None.

JOURNAL OF COMMISSION PROCEEDINGS

March 19, 2024

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. APPOINTMENTS TO THE PARKING ADVISORY COMMISSION.

Mayor Reeves reported that the Parking Advisory Commission is comprised of five members appointed by the City Commission. A sixth, ex-officio member, shall be appointed by the Business Improvement District. The Commission advises the City Commission, City Manager, and Planning and Community Development Staff on matters related to parking issues within the Parking Districts.

Due to multiple resignations, an advertisement for multiple positions on the Parking Advisory Commission was posted on the City's Website. The last Parking Advisory Commission meeting was held on October 20, 2022.

Commissioner Wolff moved, seconded by Commissioner Wilson, that the City Commission appoint Inge Buchholz (downtown business owner), Carol Berg (Tourism), Nathan Laidlaw (background in civil and construction work) and Sherrie Arey (NeighborWorks Great Falls) to the Parking Advisory Commission for three-year terms through April 30, 2027.

Mayor Reeves asked if there were any comments from the public. Hearing none, Mayor Reeves asked if there was any discussion amongst the Commissioners.

Commissioner Tryon commented that Sherrie Arey is a member of the Business Improvement District Board and would need City Commission approval to serve on both boards. He recommended amending the motion to appoint one of the other applicants, Jayson Olthoff, who would not need that special approval.

Commissioner McKenney noted that, because there were enough applicants, Sherrie Arey indicated at the Business Improvement District board meeting that she would withdraw her application.

After further Commission discussion about the amendment, **Commissioner Tryon moved, seconded by Commissioner McKenney, that the main motion, as amended, read that the City Commission appoint Inge Buchholz, Carol Berg, Nathan Laidlaw, and Jayson Olthoff to the Parking Advisory Commission for three-year terms through April 30, 2027.**

Commissioner Wilson expressed concerns about Mr. Olthoff's business travel affecting attendance at meetings.

Commissioner Wolff noted that she did see that Jayson Olthoff is expanding his business and will be going out town/state. Gina Winters is retired and could attend meetings. However, she is not sensing an appetite amongst the Commission members to make a third motion.

There being no further discussion, Mayor Reeves called for the vote.

JOURNAL OF COMMISSION PROCEEDINGS**March 19, 2024**

Motion, as amended, carried 4-1 (Commissioner Wilson dissenting).

5. APPOINTMENT TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS.

Mayor Reeves reported that the City Commission appointed Jennifer Jurak to the Board on January 3, 2023 as a Tenant member for a two-year term through June 30, 2024. Ms. Jurak resigned in September 2023. Advertising was done and one application was received.

The Board met on February 22, 2024 and recommended that the City Commission appoint Kathleen Whitaker to the Great Falls Housing Authority Board of Commissioners for the remainder of a two-year term through June 30, 2024.

Commissioner Tryon moved, seconded by Commissioner Wilson, that the City Commission appoint Kathleen Whitaker to the Great Falls Housing Authority Board of Commissioners for the remainder of a two-year term through June 30, 2024.

Mayor Reeves asked if there were any comments from the public. Hearing none, Mayor Reeves asked if there was any discussion amongst the Commissioners.

Commissioner Wilson commented that Kathleen Whitaker has previous experience and will be a great voice for the community.

There being no further discussion, Mayor Reeves called for the vote.

Motion carried 5-0.

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon recognized graduates and handed out certificates to those in attendance of the two-year Emerging Leader Program: Tom Hazen, Jerry Jordan, Lonnie Hill, Mark Juras, Steven Hankins, Alicia Eatherly, Harold Wormington, Nolan Taylor, Melissa Guelff, Mark Dunn and Adam Hunt.

Mark Juras, Lonnie Hill, Tom Hazen and Jerry Jordan expressed appreciation to Manager Doyon and his team for the opportunity to attend this program, advance in their personal development and leadership skills, and for the holistic understanding of the City of Great Falls.

CONSENT AGENDA.

8. Minutes, March 5, 2024, City Commission Meeting.

JOURNAL OF COMMISSION PROCEEDINGS**March 19, 2024**

9. Total Expenditures of \$2,470,603 for the period of February 22, 2024 through March 6, 2024 to include claims over \$25,000, in the amount of \$1,999,916.
10. Contracts List.
11. Approve a Professional Services Agreement in the amount of \$111,600.00 to Terracon Inc., for the Giant Springs Road Slide Repair project, and authorize the City Manager to execute the agreement documents. **OF 1789.0**

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the Consent Agenda as presented.

Mayor Reeves asked if there were any comments from the public or discussion amongst the Commissioners.

Hearing none, Mayor Reeves called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

12. RESOLUTION 10536 PARK AND RECREATION FEES.

Mayor Reeves declared the public hearing open and asked for presentation of the staff report.

Park and Recreation Director Steve Herrig reported that the requested action is that the City Commission conduct a public hearing and adopt Resolution 10536 to Establish Park and Recreation Fees. Resolution 10536 would repeal Resolution 10296 (Community Recreation Center Fees), Resolution 9614 (Park Rental and Special Event Fees), Resolution 10050 (Swimming Pool Fees), and Resolution 10132 (Multi Sports Fees) and set a new fee structure beginning upon approval.

Fees have not been adjusted for park rentals and special events since 2006, swimming pools since 2014, multi sports since 2016, and the community recreation center since 2019. Adoption of Resolution 10536 will bring the current four resolutions into one resolution and will set the fees for the new Scheels Aim High Big Sky Recreation and Aquatic Center coming online this spring.

Director Herrig noted the numbers in the Resolution remain the same, but there were a few grammatical updates for the purpose of clarification:

- NR means non-resident
- Commercial Events will be charged based on the size of event and anticipated profits and would need to contact the Park and Recreation office to coordinate
- Corporate Memberships – companies must have 50+ employees and pay the \$250 annual administrative fee in order for employees to be eligible for the corporate rate

JOURNAL OF COMMISSION PROCEEDINGS**March 19, 2024**

- 3% credit card processing fee charged on all credit card transactions to offset costs
- Non-Resident fees will be charged at the Scheels Aim High Big Sky Recreation Center. Park District dollars, an assessment paid by Great Falls citizens, partially funded the construction of the facility

Director Herrig responded to a number of emails the Commission received about the new Scheels Aim High Big Sky fees as follows:

- The military received a federal grant through the DCIP Program that helped fund a little less than half of the construction costs of the facility. It was never the intention the military would receive free access
- The memberships offered could be expanded in the future. Memberships that pertain only to certain areas will require additional staff and result in more costs
- The fitness classes are included in the membership fee
- Silver Sneakers and Silver&Fit will continue to be offered. There may be a gap between what the insurance company will pay and the membership fee. In 2025 those fees will be renegotiated with the insurance companies

Director Herrig continued that Park and Recreation staff has worked with Finance staff on these fees since last year, comparisons were done with other communities, and a pro forma was completed by Pros Consulting who also did the Park Master Plan and is familiar with the community, to develop fees that will allow the department to provide services and programs that will minimize the impact on the general fund. The new facility will most likely need two to three years of operation in order to stabilize the budget. The resolution also includes non-resident fees at the new facility. Park and Recreation may need to come back to the Commission to adjust fees for the new Rec Center during the upcoming year.

Information received from the Peak Health and Wellness Center is their individual fee is \$63 per month compared to the new Rec center fee with no discounts of \$56 per month. Using the membership four times per week equals \$3.50 a visit for use of the lap pool, rec pool, courts, sauna, track, fitness area and fitness classes.

The fees being proposed are not anticipated to cover the full operating expenses. The \$300,000 Park and Recreation subsidy covers the facility, outdoor pools, camps and other recreation. He and the Deputy Director have experience in opening similar facilities.

Mayor Reeves asked if the Commissioners had any questions of staff. He inquired about a scholarship program.

Director Herrig explained that a scholarship fund would be developed. Through the sponsorship and donation process, some of the sponsors have earmarked their funds for sponsorships. He anticipated the money set aside currently for scholarships will be used within a year depending on how the program is tailored. Discussions are ongoing with the fund raising committee.

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Commissioner Tryon inquired if the senior fee was before or after Silver Sneakers.

Director Herrig clarified that not all insurance companies participate in Silver Sneakers. Currently, Silver Sneakers covers \$30 of the \$40 dollar senior fee.

Mayor Reeves asked if there were any comments from the public in support of or in opposition to Resolution 10536.

Written comments, concerns and suggestions pertaining to community and senior affordability of the Scheels Aim High Big Sky Aquatics and Recreation proposed fees were submitted by: **Virginia Baran, Melody Stevens, Woody and Kimberly, Ann Lynch, Linda Panagopoulos, Debbie Clark, Dina Davis, Karen Haggart, Bonnie Donovan, Betty Demers, Kathy Dolberg, Cheri Golie, Karen Carlson, Sarah Rollins, Ryan Victor**

There being no one to address the Commission, Mayor Reeves closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Wilson, that the City Commission adopt Resolution 10536 – Park and Recreation Fees.

Mayor Reeves asked if there was any discussion amongst the Commissioners.

Commissioner Wilson noted her great appreciation for the experience Director Herrig and Deputy Director Compton have in opening facilities. She looks forward to the facility opening.

Commissioner McKenney noted that fees have not been adjusted for five to 18 years. Products and services during that time have increased and were not passed on to the users. In his private sector career, adjustments were made all the time. The fees should be looked at regularly based on the cost of the product and service. He has used cross-marketing many times and suggested that it be used for the new facility.

City Manager Greg Doyon responded that would require additional legal research.

Commissioner Wolff commended Director Herrig, Director Kinzler and staff for their hard work and in keeping the community healthy.

Commissioner Tryon requested that staff consider, at some point, a class only membership fee. One of the reasons public safety is underfunded in the budget is because of the subsidies to other departments from the general fund. Adoption of these fees is a necessary step to help reduce the amount of subsidies going to other non-general fund departments. He expects to see more of this going in to the budget process this year. In conclusion, he expressed appreciation to Director Herrig for bringing to light the reason for all of the emails and for all of his work on this project.

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March 19, 2024

There being no further discussion, Mayor Reeves called for the vote.

Motion carried 5-0.

A public announcement would be issued tomorrow that Big Sky Aim High will go live to take in memberships next Monday.

13. RESOLUTION 10540 GOLF FEES.

Mayor Reeves declared the public hearing open and asked for presentation of the staff report.

Park and Recreation Director Steve Herrig reported that the requested action is that the Commission conduct a public hearing and adopt Resolution 10540 to establish golf fees. Adoption of Resolution 10540 would repeal Resolution 10495 and set a new fee structure beginning with the 2024 golf season. CourseCo and the golf manager provided a presentation to the Commission two weeks ago. The fee increases are minimal. CourseCo does a great job of operating the two courses and keeping them in great shape for a great golfing experience.

Mayor Reeves noted there was a zero increase for cart fees and inquired how the replacement of the golf carts would be paid for.

Director Herrig responded that discussions with CourseCo are ongoing on that topic. At this time, the fees cannot be raised due to the condition of the inventory. If a deal can be made to get a new fleet by the end of this year, then staff would ask the Commission to adjust the cart fee to cover that expense.

Mayor Reeves asked if there were any comments from the public in support of or in opposition to Resolution 10536.

There being no one to address the Commission, Mayor Reeves closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10540 – Golf Fees.

Mayor Reeves asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Reeves called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

14. CONSTRUCTION CONTRACT FOR CIVIC CENTER COURT RELOCATION PROJECT (OF 1750.3).

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ARPA Project Manager Sylvia Tarman reported that the Municipal Court has resided in the basement of the Civic Center since the 1970's. The current courtroom is very small and not efficient for the current court operations. City staff has investigated multiple options to relocate the Court outside of the Civic Center over the last decade. All of those facilities were found to be inadequate to serve the Court's needs or were not feasible due to the budget and time constraints.

With the backlog of Court operations due to Covid-19 and the addition of a second judge in 2024, cycling the Court proceedings has become cumbersome. The Court relocation project was identified as a Tier 1 ARPA project in April 2022. City staff began working with Cushing Terrell to come up with an adequate design. Early designs were created for remodeling the basement space, but it became quickly apparent that it would barely service the current Court needs and provide no room for growth. Staff recommended that the only other viable space available would be to remodel the Missouri room, and the City Commission agreed.

A design contract was awarded to Cushing Terrell in August 2023. Staff worked with the architect and the Court staff to come up with adequate designs for the Missouri Room. The design includes two large courtrooms with adjacent jury rooms, office space for each of the two judges, a large office area for the Court staff with adequate space to accommodate future growth, a surrounding hallway and waiting area for the public.

Bids were let in January and were opened March 6, 2024. Three bids were received. Wadsworth Builders was the low bidder. This bid only includes construction of the Court space. Other items, including furniture, audio-visual equipment, security measures, etc., are still being priced out and will be forthcoming in the next few weeks.

City staff and Cushing Terrell reviewed the bid proposals and are confident that Wadsworth's bid proposal will satisfy the project needs.

Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission award a contract in the amount of \$2,198,175 to Wadsworth Builders for the Civic Center Court Relocation Project utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.

Mayor Reeves asked if there were any comments from the public.

Cayle Halberg submitted written comments suggesting the Commission explain how use of these funds are eligible for this purpose.

Mayor Reeves asked if there was any discussion amongst the Commissioners.

Commissioner Wilson commented she is grateful for the ARPA funds that have helped many entities and municipalities. She has witnessed how busy and congested the current Court is and is happy to see this award.

Mayor Reeves inquired if there were plans to add a second bailiff and was responded to in the affirmative.

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Commissioner McKenney commented it was very difficult to get to this point. Part of the difficulty of making this decision was due to the historical features in the Missouri Room. He inquired if there were plans to preserve the historical features and integrity of the space.

ARPA Project Manager Tarman responded that most of the work will be putting up walls and not demolition so most character defining features of the space will remain.

Commissioner McKenney discussed the Children's Museum of Montana building being available at some point and inquired if the Missouri Room could revert back to how it is now without great expense.

ARPA Project Manager Tarman responded that it would be possible at some expense.

Commissioner Tryon noted that it was his understanding that the Children's Museum building would not be a good space for Court.

City Manager Doyon added that, if this move is made, it is highly unlikely the Missouri Room would ever revert back. If finances allow, the big picture is a development center at the Children's Museum and then the Legal Department would move to where Planning and Community Development is now.

There being no further discussion, Mayor Reeves called for the vote.

Motion carried 5-0.

15. GRANT APPLICATION FOR MALMSTROM AIR FORCE BASE (MAFB) INSTALLATION RESILIENCE STUDY (OF 1821.0).

Public Works Director Chris Gaub introduced two of Malmstrom's representatives, Colonel Ciro De La Vega and Deputy Civil Engineer Ryck Cayer. Director Gaub reported that staff has been working on a grant application the past year with Malmstrom to submit to the Office of Local Defense Community Collaboration (OLDCC). The grant would fund a Resilience and Compatibility Study.

Last summer MAFB partnered with staff to nominate the City for this study. Since communities are the sponsors of these studies, the City Manager added a letter of support to Malmstrom's nomination package. OLDCC accepted the nomination and assigned a project manager to further the process. If the grant were approved by OLDCC, Public Works would manage the grant.

Once the study is complete, the next steps would be design and then construction. These future steps would come before the Commission for approval. Planning actions, such as NEPA, or any identified construction projects would be cost-shared with OLDCC, with the City providing a 10% cost match. The final step would be to compete for a DCIP grant to execute construction. This may fund up to 100% of the construction cost since Great Falls is a rural community with less than 100,000 people.

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The project consists of a Resilience and Compatibility Study to ensure Great Falls has redundant infrastructure that supports increased continuity of essential services and supports growth by identifying alternate or additional utility connections and compatible land uses around MAFB. This study consists of two parts: an infrastructure resilience component and a compatible land use component. The infrastructure resilience component aims to evaluate existing utility, broadband, and transportation systems and to identify opportunities to make systems more robust. This includes alternate connections and additional capacity for utilities such as water, sanitary sewer, storm water, electricity, natural gas, as well as additions to roadway and broadband networks. The goal of this component is to identify opportunities to better guarantee continuity of essential services for the City as well as mission assurance for MAFB. The compatible land use component aims to evaluate land uses and zoning of areas in proximity to MAFB. This component will make recommendations to facilitate development and growth that benefits both the City and MAFB.

To fund the study, the City is requesting \$400,000, which is estimated to be 90% of the cost. The remaining 10% is a local match of \$44,444 for a total cost of \$444,444. Planning and Community Development will contribute \$10,000 towards the match from the Growth Policy Update budget. Public Works intends to fund the remainder with in-kind staff hour contributions.

Commissioner Wolff moved, seconded by Commissioner Wilson, that the City Commission approve the grant application for the Malmstrom Air Force Base Installation Resilience Study grant, with an estimated local match of \$44,444 for consultant study services for the Resilience and Compatibility Study.

Mayor Reeves asked if there were any comments from the public.

Colonel Ciro De La Vega, Mission Support Group Commander of the 341st Missile Wing, expressed support for the OLDCC grant application. He appreciates the teamwork of the Public Works Department with Malmstrom Civil Engineers. If approved, he believes the study will bring numerous benefits to the City of Great Falls and Malmstrom Air Force Base, further strengthening the long-standing partnership. MAFB has been an integral part of the community for many years and the collaboration between MAFB and the City has always been exceptional.

If approved, the study will not only enhance the resiliency of MAFB but also contribute to the overall resilience and preparedness of the City, which benefits us all.

Brett Doney, Great Falls Development Alliance (GFDA), commented that, in addition to the utility study is a land use study, which is a balancing act of private property rights. GFDA owns about 250 acres adjoining MAFB and is concerned about all the years they put into the Agri-Tech Park. GFDA was also involved in the past with Whitmore Ravine and he was surprised to read the possibility of annexing Whitmore Ravine in the agenda report. GFDA is in favor of the study, but is concerned about private property rights.

With regard to ARPA, Mr. Doney commented that Infrastructure Act monies would be flowing over the next five to six years. He encouraged the City to pursue every infrastructure grant it could.

There being no one further to address the Commission, Mayor Reeves asked if there was any discussion amongst the Commissioners.

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Commissioner Wolff commented that the study equates to security for MAFB and the City. The parties will collaborate to come up with the best solution concerning the land around the base. Going after the Infrastructure Act grants will help us all.

Commissioner Tryon expressed support of public safety and public infrastructure. He inquired if Director Cherry anticipated the \$10,000 when he put together the budget for the Growth Policy update.

Director Cherry responded that he was excited to learn about the amount of funds dedicated to this study and was happy to contribute. He has since applied for a \$30,000 grant for the Growth Policy update. He saw it as a valuable timing opportunity to utilize the expertise from this study when it comes to the Malmstrom Air Force Base chapter of the Growth Policy. He also provided clarification of “in-kind” work.

Commissioner McKenney inquired if this study was part of the Growth Policy update or if it was separate.

Director Gaub clarified that this study is not part of the official Growth Policy. It is a separate study focused on utilities and land around the base.

Director Cherry expressed excitement for the scope of planning efforts occurring at the same time with the amount of funds available.

Commissioner Tryon inquired how this study was different from the Joint Land Use Study (JLUS). If the study were awarded, he inquired if the work would be considered a duplication of JLUS or if it would supersede the JLUS.

City Manager Doyon clarified that the JLUS was enterprise wide for MAFB. The studies are not the same. This study focuses on utilities and the land use component is different. Areas of the JLUS focused on the runway for potential use and protecting that zone. He doesn't think that is any longer a consideration but for the flying mission currently at Malmstrom and making sure that whatever goes around it is compatible so that they can perform their operations without a negative impact.

Commissioner Tryon commented that if the study were approved, they might be able to get some of the land use component from the JLUS study about the area around the base.

Director Gaub concurred, and added the study will pull plans and data from a lot of other studies and maps for the consultant's review.

There being no further discussion, Mayor Reeves called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

JOURNAL OF COMMISSION PROCEEDINGS**March 19, 2024****16. ORDINANCE 3265 AMENDING TITLE 13, CHAPTER 24, SECTIONS 080 AND 090, AND TITLE 17, CHAPTERS 48, SECTION 010, AND TITLE 17, CHAPTER 52, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REVISED STORM DRAINAGE DESIGN MANUAL.**

Public Works Director Chris Gaub reported that the Ordinance proposes to update the City Code to allow for adoption of an updated Storm Drainage Design Manual. The manual was first published in 1990 and has not been updated since. City staff discussed this topic at two previous work sessions. In essence, the manual promotes sound development policies and construction procedures to mitigate property damage and mitigate negative impact to the environment from storm water. The proposed update incorporates the City's current policies and the latest requirements of the Municipal Separate Storm Sewer Systems (MS4) permit.

City staff held a public comment period including an open house for the proposed manual update. No significant comments were received and minor comments were supportive of the changes.

The requested action is that the Commission accept Ordinance 3265 on first reading. If adopted, the Ordinance would update the City Code references from the 1990 Storm Drain Design Manual to the "most recent edition" of the manual, which formally positions the City to adopt the updated manual.

Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3265 on first reading and set a public hearing for April 2, 2024.

Mayor Reeves asked if there were any comments from the public. Hearing none, Mayor Reeves asked if there was any discussion amongst the Commissioners.

Commissioner Wilson commented that, as a retired environmental engineer, she likes this unified document.

There being no further discussion, Mayor Reeves called for the vote.

Motion carried 5-0.

CITY COMMISSION**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

18. COMMISSION INITIATIVES.

None.

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March 19, 2024

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Reeves, to adjourn the regular meeting of March 19, 2024, at 8:38 p.m.**

Motion carried 5-0.

Mayor Cory Reeves

City Clerk Lisa Kunz

Minutes Approved: April 2, 2024



Commission Meeting Date: April 2nd, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

ITEM: \$25,000 Report
Invoices and Claims in Excess
of \$25,000

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT

<https://greatfallsmt.net/finance/checkregister>

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$25,000:**

ACCOUNTS PAYABLE CHECKS FROM NEW WORLD	03/07/2024 - 03/20/2024	23,057.96
ACCOUNTS PAYABLE CHECKS FROM MUNIS	03/07/2024 - 03/20/2024	2,512,615.66
MUNICIPAL COURT CHECKS	03/07/2024 - 03/20/2024	14,480.50
MISCELLANEOUS ACCOUNTS PAYABLE WIRES	03/07/2024 - 03/20/2024	41,080.47

TOTAL: \$ 2,591,234.59

GENERAL FUND

SPECIAL REVENUE FUNDS

COVID RECOVERY

JAMES TALCOTT CONSTRUCTION	ARPA FIRE STATION INFRASTRUCTURE	142,980.16
WADSWORTH BUILDERS COMPANY	ARPA PARK & REC RESTROOM REMODEL	25,823.85
JAMES TALCOTT CONSTRUCTION	ARPA FIRE STATION INFRASTRUCTURE	279,283.13

FEDERAL BLOCK GRANTS

72 HOUR LLC	2024 CHEVY SILVERADO 3/4 TON CC 4X	50,396.14
ALLIANCE FOR YOUTH INC	YOUTH RESOURCE CENTER PHASE 2	26,491.00

DEBT SERVICE FUNDS

CAPITAL PROJECT FUNDS

ENTERPRISE FUNDS

WATER

72 HOUR LLC	2023 TRANSIT CARGO VAN 148" AWD	57,589.00
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S & L DEVELOPMENT LLC	OF 1791.0 WEST RIDGE PHASE 10	51,079.50
SEWER		
VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	306,297.54
TD&H ENGINEERING	LIFT STATION #1 REPAIR & SUPL FM/PMT25	50,382.19
STORM DRAIN		
GREAT WEST ENGINEERING INC	1361.6 STORMWATER MASTER PLAN/PMT 9	51,171.52
CIVIC CENTER EVENTS		
INNOVATION ARTS & ENTERTAINMENT	BROADWAY MENOPAUSE	36,841.04
INTERNAL SERVICE FUNDS		
<hr/>		
INFORMATION TECHNOLOGY		
TYLER TECHNOLOGIES	ANNUAL RENEWAL ENERGGOV TO 2/28/25	159,553.80
HEALTH & BENEFITS		
HEALTH CARE SERVICE CORP	BCBS HEALTH INSURANCE FEB 24	672,056.61
SUN LIFE FINANCIAL	SUN LIFE DENTAL AND VISION FEB 2024	48,154.35
TRUST AND AGENCY FUNDS		
<hr/>		
UTILITY BILLS		
<hr/>		
ENERGY WEST	GAS CHARGES FEB 2024	27,054.45
NORTHWESTERN ENERGY	ELECTRIC SUPPLY FEB 2024	65,316.23
CLAIMS OVER \$25,000 TOTAL:		\$ <u>2,050,470.51</u>

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

DATE: April 2, 2024

ITEM: CONTRACTS LIST
Itemized listing of administratively approved contracts.
(Listed contracts are available for inspection in the City Clerk's Office.)

PRESENTED BY: Lisa Kunz, City Clerk
ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR' S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Finance	Leif Associates, Inc.	04/02/2024 04/01/2028	\$29,500	Professional Services Agreement to perform actuarial services related to Governmental Accounting Standards Board 75 as applicable for 2024-2028 valuations (CR: 101519.9B, 041817.10E)

B	Public Works – Water Plant	Nash Electric	04/02/2024 – 06/30/2024	\$40,912	Public Works Non-Construction Services Agreement to include machining slip rings on rotor; clean and reattach DC wiring on rotor; build crate and ship Babbitt bearings to Milwaukee for complete recast; bore impeller and broach new keyway and turn slip on impeller; build new steel shaft and wear sleeve, Belzona worn areas of impeller to meet existing specs, install new impeller and shaft in casing and verify center and endplay in the bearings (CR: 041823.12C)
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Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Contract Award: East Fiesta Street Reconstruction, O.F. 1787.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$1,030,645 to United Materials of Great Falls, Inc., for the East Fiesta Street Reconstruction project, and (authorize/not authorize) the City Manager to execute the contract documents.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends awarding the contract to United Materials of Great Falls, Inc., in the amount of \$1,030,645.

Summary:

The project consists of the reconstruction of East Fiesta between the intersections of Fox Farm Road and Ferguson Drive.

Background:

This street reconstruction project is necessary to replace aging infrastructure that shows signs of deterioration. The City Street and Traffic Division has indicated that this stretch of roadway has been the subject of numerous resident complaints and recurring maintenance issues. The existing portland cement concrete (PCC) paved surface along East Fiesta has an Overall Condition Index (OCI) rating of 35 out of 100, and considered to be in very poor condition. The OCI provides a snapshot of the health of a street asset, and is measured on a scale of 0 to 100 (where 100 means a newly constructed street), and based on factors including ride, distress, drainage, surface friction, and geometrics.

Significant Impacts:

The project’s tentative start date is July 15, 2024 depending on weather conditions, material availability, and contractor’s scheduling. The project is expected to take approximately 4 months to complete. The project will require closing portions of East Fiesta, Ferguson, and Durango Drive, while the roadway is being reconstructed. The contractor will be responsible for traffic control, road closures, and access to the project area.

Workload Impacts:

Design phase engineering plans and specifications were completed by TD&H. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The proposed project will include removal of the existing PCC pavement and base course, proper compaction of the subgrade soils; installation of drainage elements; installation of a separation and subgrade support fabric; installation and compaction of new base course; asphaltic concrete pavement, and installing ADA compliant curb ramps.

Project Work Scope:

Work to be performed under this contract includes the following: remove and replace approximately 4,000 square yards of 4-inch asphaltic concrete pavement; replace approximately 2,100 lineal feet of integral concrete curb and gutter; remove and replace 6,400 square feet of 4-inch concrete sidewalk; install 8,100 square feet of 6-inch reinforced concrete; install 9 truncated domes; and landscaping repairs.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune. One bid was received on March 20, 2024 from United Materials of Great Falls, Inc., in the amount of \$1,030,645.

Conclusion:

The East Fiesta Street Reconstruction project is programmed, vetted, coordinated, and scheduled to provide the least negative impact to citizens, while performing necessary upgrades to the surface transportation network. The project will replace deteriorating curb and gutter, storm inlets, and handicap ramps and will improve the ease of transportation for pedestrians and drivers alike. City staff recommends awarding the contract to United Materials of Great Falls, Inc., in the amount of \$1,030,645.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. The project has been selected, prioritized and executed in accordance with the Public Works Capital Improvements Program and budgeted utilizing funds from the Bridge and Road Safety and Accountability Act (BaRSAA) Tax revenues and Street Assessment Funds.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to continued maintenance issues and home owner's complaints.

Concurrences:

City Engineering staff and City Street Division recommend award of the bid.

Attachments/Exhibits:

Bid tabulation

Project Summary Sheet

CITY OF GREAT FALLS ENGINEERING
P.O. BOX 5021
GREAT FALLS, MT 59403

BID TABULATION SUMMARY
OF # 1787.0 E. FIESTA STREET RECON

BIDS TAKEN AT CIVIC CENTER
DATE: 20-MAR-24
TABULATED BY: ROSA HUGG

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	Y	NA	Y	Y	Y	\$1,030,645.00
2	MRTE, INC. PO BOX 538 BLACK EAGLE, MT 59414						N/A
3	KNIFE RIVER CORP. 4800 WILKIE ST, MISSOULA, MT 59808						N/A
4							
5							
6							
7							
8							
9							
10							

PROJECT SUMMARY SHEET:
EAST FIESTA RECONSTRUCTION, O.F. 1787.0
FY 2024 Capital Improvement Plan
Current as of: March 14, 2024

Description: Reconstructs ~900-feet of road along E. Fiesta St from Fox Farm Rd. to Ferguson Dr.

Justification: Existing concrete paved surface along East Fiesta is in very poor condition. City Street division determined this stretch of roadway has been the subject of numerous resident complaints and recurring maintenance issues.

Scope: Removal of existing portland cement concrete pavement, base course; compaction of subgrade; installation of drainage elements; installation of a separation and subgrade support fabric; installation and compaction of new base course; asphaltic concrete pavement, and installing ADA compliant curb ramps.

Added to CIP: 2nd half FY2022

CIP Timeline: *Approximately one year late (due to? PW/Engineering staff shortages?); transitioned from Internal Design to Consultant Design to facilitate getting project to finish line.*

Cost:

- CIP programmed cost/FY: \$1M/Originally FY23; Now Planned for FY24
- Current Working Estimate: \$1.5M
- Awarded Cost: TBD
- Final Cost: TBD

Funding Source(s): BaRSAA (95%), Street Funds (5%)

- Funding Match Requirements: 5% per BaRSAA requirements (1 of 2 remaining BaRSAA projects)

Planned Execution Method: Design-Bid-Build

Planned Construction CY: Originally Summer of 2023; Currently Summer 2024 to Fall 2024

Current Project Stage (Estimated Completion Date): Design (Feb 20, 2024), Construction (July 15, 2024)

- Design Method: Consultant (TD&H)
- Contractor: TBD

Map and Site Photos:



PROJECT SUMMARY SHEET:
EAST FIESTA RECONSTRUCTION, O.F. 1787.0
FY 2024 Capital Improvement Plan
Current as of: March 14, 2024





Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Professional Services Agreement: Sanitary Sewer System Capacity Model, OF 1807.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Consider and approve a Professional Services Agreement

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/not approve) a Professional Services Agreement in the amount not to exceed \$294,189.00 to Advanced Engineering and Environmental Services, LLC. for the Sanitary Sewer System Capacity Model project, and (authorize/not authorize) the City Manager to execute the agreement documents."

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Approve the Professional Services Agreement.

Summary:

The City proposes to retain Advanced Engineering and Environmental Services (AE2S) for professional consulting services for the Sanitary Sewer System Capacity Model project. AE2S will create a computer model of the City's entire sanitary sewer collection system. This model will be used to evaluate the system's existing capacity and future capacity as sewer flows are continuously added to the system by ongoing development. The model will also help the City in evaluating and assessing the allocations of funds for sanitary sewer improvement projects.

Background:

The City collects wastewater from over 21,000 residences and places of business. The wastewater, along with infiltration and inflow, make up the sewer flows that are transported through the City's sanitary sewer collection system. The City's collection system is made up of 270 miles of gravity mains, 10 miles of force mains, and 31 lift stations.

The City is in need of a comprehensive hydraulic computer model of the sanitary sewer system. A hydraulic model will calculate the available capacity in all areas of our system available to development projects. The model will allow the City to simulate scenarios and evaluate what sanitary sewer system

improvements are necessary to extend development outside of the current City limits. It will also assist the City in allocating funds for capital improvement projects such as sanitary sewer main upsizing, lift station upsizing, and sanitary sewer main replacement projects. The hydraulic model would be created by AE2S, and then transferred to the City once complete. Completion is projected for Fall of 2025, at which time the City will have modeling across not only its sanitary sewer system, but also its water and storm sewer systems.

Workload Impacts:

City Staff will participate in regular communication with the consultant, provide necessary background information to the consultant, and be involved in the project administration. AE2S will build the model based on the City's existing GIS data and based off of their own field investigations. A Public Works Engineering staff member will then take over the operation and maintenance of the model.

Project Work Scope:

A detailed definition of the scope of work is included in "Exhibit A" as attached to the Professional Services Agreement. The work scope includes the following tasks:

- Review existing sanitary sewer collection system
- Field investigation including survey and flow monitoring
- Provide wastewater characterization
- Recommend modeling software (City to purchase separately as necessary)
- Create sanitary sewer hydraulic model
- Provide hydraulic model training to City staff
- Provide technical memorandum summarizing model creation and identify capacity constraints

Evaluation and Selection Process:

The Request for Proposals (RFP) was advertised three times in the Great Falls Tribune. Three Proposals were received on January 18, 2024. The written proposals were evaluated and scored by a five member committee. Interviews with the top two scoring firms were held, evaluated and scored on February 14, 2024. AE2S's written proposal and interview was scored the highest by the Selection Committee. The attached score tabulation sheet summarizes the rankings of the RFPs that were received.

Conclusion:

The project has been selected and prioritized in accordance with the Public Works Capital Improvement Program. City staff recommends approving the Agreement with AE2S, in the amount of \$294,189.00 to complete the Sanitary Sewer System Capacity Model project.

Fiscal Impact:

Sanitary Sewer Enterprise Funds have been programmed and budgeted for this project.

Alternatives:

The City Commission could vote to not award the Professional Services Agreement. In that event, the model would not be available to evaluate potential sanitary sewer service to future development, evaluate extension of sanitary sewer service to future areas outside City limits, and assist in identifying sanitary sewer system components for capital improvements projects.

Attachments/Exhibits:

Professional Services Agreement including Exhibit A
Project Summary Sheet
RFP Score Tabulation Sheet

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as "City," and **ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, LLC (AE2S)**, Portage Building, 405 3rd St. NW, Suite 205, Great Falls, MT, 59405, hereinafter referred to as "Consultant."

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit "A" and by this reference made a part hereof.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party.

3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services.

4. **Payment:** City agrees to pay Consultant at the hourly rate(s) set forth in the Scope of Services, for a total not to exceed amount of TWO HUNDRED NINETY FOUR THOUSAND ONE HUNDRED EIGHTY NINE AND 0/00 DOLLARS (\$294,189.00) for services performed pursuant to the Scope of Services. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Consultant shall maintain workers' compensation coverage for all members and employees of Consultant's business, except for those members who are exempted by law.

Consultant shall furnish the City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers'

compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

6. Indemnification: To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Consultant's negligence and/or errors or omissions in the performance of this Agreement and Consultant's work on the Project contemplated herein or work of any subcontractor or supplier to Consultant. The foregoing duty to defend shall apply solely to any such defense obligations that are covered by Consultant's insurance specified in this Agreement. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the City which would otherwise exist. Consultant's indemnity under this Section shall be without regard to and without any right to contribution from any insurance maintained by City. Consultant also waives any and all claims and recourse against the City or its officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except responsibility for its own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, according to 28-2-702, MCA. These obligations shall survive termination of this Agreement and the services performed hereunder.

7. Insurance: Consultant shall purchase and maintain insurance coverage as set forth below. The insurance policy, except Workers' Compensation and Professional Liability, must name the City, (including its elected or appointed officers, officials, employees, or volunteers), as an additional insured or contain a blanket additional insured endorsement and be written on a "primary—noncontributory basis." Consultant will provide the City with applicable additional insured endorsement documentation. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of "A.M. Best Rating" of A-, VI, as will protect the Consultant, the various acts of subcontractors, the City and its officers, employees; agents, and representatives from claims for bodily injury and/or property damage which may arise from operations and completed operations under this Agreement. All insurance coverage shall remain in effect throughout the life of this Agreement and for a minimum of one (1) year following the date of expiration of Consultant's warranties. All insurance policies, except Workers' Compensation, must contain a provision or endorsement that the coverage afforded will not be canceled, materially changed, or renewal refused until at least thirty (30) days prior written notice has been given to Consultant, City, and all other additional insureds to whom a certificate of insurance has been issued. All insurance documentation shall be in a form acceptable to the City.

*** Insurance Coverage at least in the following amounts is required:**

- | | | |
|----|---|---|
| 1. | Commercial General Liability
(bodily injury and property damage) | \$1,500,000 per occurrence
\$3,000,000 aggregate |
| 2. | Products and Completed Operations | \$3,000,000 |
| 3. | Automobile Liability | \$1,500,000 combined single limit |

4.	Workers' Compensation	Not less than statutory limits
5.	Employers' Liability	\$1,500,000
6.	Professional Liability (E&O) (only if applicable)	\$1,500,000 per claim \$3,000,000 aggregate

Consultant may provide applicable excess or umbrella coverage to supplement Consultant's existing insurance coverage, if Consultant's existing policy limits do not satisfy the coverage requirements as set forth above.

*** If a request is made to waive certain insurance requirements, insert the insurance item # and corresponding description from the list above: .**

Legal reviewer initials: ☐ **Approved** ☐ **Denied**

8. Professional Service: Consultant agrees that all services and work performed hereunder will be accomplished in a professional manner consistent with the professional standard of practice under similar circumstance and in the same location.

9. Compliance with Laws: Consultant agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. As applicable, Consultant agrees to purchase a City safety inspection certificate or special business license.

10. Nondiscrimination: Consultant agrees that all hiring by Consultant of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law.

11. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

12. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Consultant may not subcontract or assign Consultant's rights,

including the right to compensation or duties arising hereunder, without the prior written consent of City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

13. **Ownership and Publication of Materials:** All reports, information, data, and other materials prepared by the Consultant pursuant to this Agreement are the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the Consultant. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

14. **Liaison:** City's designated liaison with Consultant is **Matt Proud** and Consultant's designated liaison with City is **Nate Wesenburger**.

15. **Applicability:** This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

16. **Contractor Relationship:** Consultant shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Consultant have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at a project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work. Consultant neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between City and such contractor. Consultant shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Consultant's own employees and/or agents acting under the direction and control of Consultant) at a project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Consultant.

17. **No Third-Party Beneficiaries:** Nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by City or Consultant to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of City and Consultant and not for the benefit of any other party.

IN WITNESS WHEREOF, Consultant and City have caused this Agreement to be executed and intend to be legally bound thereby as of the date set forth below.

CITY OF GREAT FALLS, MONTANA

**ADVANCED ENGINEERING AND
ENVIRONMENTAL SERVICES, LLC
CONSULTANT**

By: _____
Print Name:
Print Title:
Date:

By: Brian Bergantine
Brian Bergantine (Mar 11, 2024 12:02 CDT)
Print Name: Brian Bergantine
Print Title: Project Quality Director
Date:

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

APPROVED AS TO FORM:

By _____
David G. 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.

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EXHIBIT A – SCOPE OF SERVICES
SANITARY SEWER CAPACITY MODELING
CITY OF GREAT FALLS, MONTANA
O.F. 1807.0
 Submitted by: AE2S

Advanced Engineering and Environmental Services, LLC (AE2S) proposes to provide professional engineering services to the City of Great Falls for Sanitary Sewer Capacity Modeling.

AE2S prepared the following scope for the hydraulic modeling of the Sanitary Sewer Capacity. The scope of services includes surveying of remaining manholes to solidify model information, as well as seasonal implementation of fourteen (14) flow monitoring stations to provide flow calibration within the model.

The scope of services is to be provided as the prescribed requirements of the accompanying Professional Services Agreement. Descriptions of the proposed tasks to be completed by AE2S are provided below:

I. PRELIMINARY ENGINEERING PHASE

- A. Coordinate with City of Great Falls staff regarding existing conditions, design documentation, and project constraints.
- B. Complete field investigation items, including:
 - 1. Coordinate completion of elevation data collection of remaining 5% of sewer manholes with missing elevation data, including rims and all pipe inverts/sizes.
 - a. Assumption – 233 manholes in need of survey.
 - b. Deliverable – Survey data including shapefile/geodatabase and spreadsheet with updated manhole elevations.
 - 2. Coordinate with Owner to develop plan outlining the location of flow monitoring for model calibration.
 - 3. Coordinate execution of flow monitoring equipment installation/retrieval and data analysis.
 - a. Assumptions – Use of City’s one flow monitoring device, in conjunction with fourteen (14) additional rental flow monitoring devices and three (3) rain gauges, with a data collection period of 3-months.
 - b. Deliverables – Flow monitoring plan for City review and technical memorandum summarizing flow monitoring results.

Estimated Fee: \$190,896

II. FINAL DESIGN PHASE

- A. Coordinate with City of Great Falls staff regarding updates to site conditions, design documentation, and project constraints.
- B. Provide project management including:
 - 1. General coordination with City, project invoicing, monthly progress reporting and meetings, and managing project budget and schedule.
 - a. Assumption – Progress meetings may occur in person or via Teams.
 - b. Deliverables – Monthly progress reports and progress meeting minutes.

EXHIBIT A – SCOPE OF SERVICES
SANITARY SEWER CAPACITY MODELING
CITY OF GREAT FALLS, MONTANA
O.F. 1807.0

Submitted by: AE2S

- C. Review previously completed wastewater master plan and extract information that is relevant for development of the sanitary sewer model. All information will be verified with City for accuracy and current relevancy.
- D. Review current utility data in City's GIS, including sanitary sewer piping, manholes, and lift stations). Identify data gaps and connectivity issues within the existing GIS utility data and work with the City to develop plans to resolve data issues.
- E. Facilitate a workshop with the City Utilities Department to capture institutional knowledge on areas of compromised capacity.
 - 1. City will provide direction on level of accuracy that should be assumed from previous wastewater master plan.
 - 2. Engineer will provide up to 12 hours of as-built and GIS mapping review, additional processing may be provided on an as-need/hourly basis.
 - 3. Deliverable – Updated GIS database of sewer collection system.
- F. Provide Wastewater Characterization, including:
 - 1. Review current land use/zoning plans with the City to ensure loading in the model is accurate.
 - 2. Utilize water usage data from the 2023 Water Model Update to develop base loading for the wastewater model.
 - 3. Review results from the flow monitoring to quantify general metrics for inflow and infiltration.
 - a. Assumption – City will provide land use and zoning plans.
 - b. Deliverable – Current I/I metrics for City use.
- G. Generate Sanitary Sewer Hydraulic Model.
 - 1. Evaluate available software and work with City to identify the best platform for development.
 - 2. Build the sanitary sewer collection system model using the cleaned GIS data, including all pipes, manholes, and lift stations.
 - 3. Allocate the wastewater loading to the nearest manhole within the model, completing quality control exercises to ensure accuracy of loading within the model.
 - 4. Complete system capacity evaluations for both dry and wet weather conditions and review results with the City to ensure accuracy.
 - 5. Utilize data collected through flow monitoring to calibrate the hydraulic model in both dry and wet weather conditions.
 - a. Deliverable – Calibrated hydraulic model.
- H. Provide Hydraulic Model Training to City staff.
 - 1. Provide 12-hours of training for City staff to ensure successful incorporation of the completed model into City operations.
 - 2. Provide assistance over the next year to help the City incorporate three developments into the hydraulic model.
 - a. Assumption – Model training will occur virtually over Teams.
- I. Develop Sanitary Sewer Hydraulic Model Summary Tech Memo.
 - 1. Develop a tech memo which summarizes the model update process and calibration results. Tech memo shall also evaluate existing system and identify system capacity deficiencies.

**EXHIBIT A – SCOPE OF SERVICES
SANITARY SEWER CAPACITY MODELING
CITY OF GREAT FALLS, MONTANA
O.F. 1807.0**

Submitted by: AE2S

2. Provide training material for City staff, as well as instruction for model maintenance and updates in the future.

- a. Deliverables – Summary Tech Memo and hydraulic model training material

Estimated Fee: \$ 83,293

III. MISCELLANEOUS SERVICES

- A. Prepare for and participate in miscellaneous meetings to review and discuss design questions or issues with the City.
- B. Assist Owner with miscellaneous modeling items throughout the project.
- C. Any additional services in connection with the project requested by City not otherwise provided for in the agreement.

Estimated Fee: \$20,000

Fee Summary:

I.	Preliminary Engineering Phase:	\$190,896
II.	Final Design Phase:	\$ 83,293
III.	Miscellaneous Services:	<u>\$ 20,000</u>
Total Estimated Fee:		\$294,189

Signature:

Email: brian.bergantine@ae2s.com

PROJECT SUMMARY SHEET:
SANITARY SEWER SYSTEM CAPACITY MODEL, O.F. 1807.0
FY 2025 Capital Improvement Plan
Current as of: March 19, 2024

Description: Hire consultant via RFP process to build city-wide sanitary sewer hydraulic capacity model for the City's entire sanitary sewer collection system including all sanitary sewer mains and lift stations.

Justification: Provides City with up-to-date model of its sanitary sewer system that can be updated as the City grows. Model will be used to continually evaluate the City's sanitary sewer system as it exists now and as new development and additional flows are added to the system.

Scope:

- Review City's existing sanitary sewer collection system.
- Provide field investigation including surveying and flow monitoring.
- Recommend modeling software. Generate citywide hydraulic model.
- Evaluate system and identify deficiencies.
- Train City staff on software and assist City on addition of 3 future developments.
- Provide technical memorandum

Added to CIP: FY2023

CIP Timeline: Project scheduled for completion September 2025

Cost:

- CIP programmed \$150,000 in 2nd half FY24; \$150,000 in 1st half FY25
- Current Working Estimate: \$294,189.00
- Awarded Cost: TBD
- Final Cost: TBD

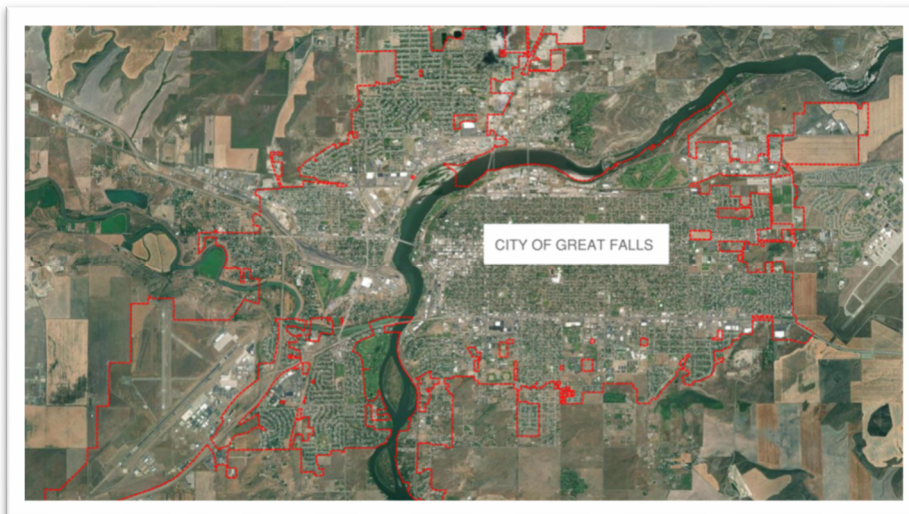
Funding Source(s): Sanitary Sewer Utility Enterprise Fund

Planned Execution Method: RFP-Design/Model (Consultant: Proposed AE2S)

Planned Construction CY: N/A

Current Project Stage (Estimated Completion Date): Engineering Selection (Winter/Spring 2024), Study/Model (September 2025)

Map & Site Pictures:



1807.0 SCORE TABULATION SHEET

PROFESSIONAL ENGINEERING SERVICES FOR SANITARY SEWER SYSTEM CAPACITY MODEL O.F. 1807.0			
Proposal Evaluation Score Summary			
Prime Consultant: Sub-Consultant:	TD&H -	MMI -	AE2S -
Average RFP Score	83.6	79.2	89.0
Interview Score	85.8	-	90.4
Total Points	169.4	-	179.4

Selection Team:

Jesse Patton
Jason Fladland

Matt Proud
Nate Besich

Jake McKenna

Date: 2/14/2024

Notes, Comments:

We'd like to thank everyone for your submitted proposal and interviewing with us. We recognize the time and effort it takes to prepare these proposals and present your proposals. We thank you for your time and effort in responding to the City's RFP. Regardless of weather a Consultant was successful in being awarded this project or not, other opportunities will come along as the City's infrastructure ages and the community continues to grow.

Shown above is a summary of the total scores and rankings. For more information about the selection process, please reference the RFP for this project.



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Contract: 32nd St South ADA Upgrades, Phase 1, O. F. 1788.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Reject bid and recommend staff re-advertise.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (reject/not reject) the single bid received for the 32nd Street South ADA Upgrades, Phase 1 Project and direct staff to modify project size and re-advertise for bids.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Reject bid, modify project size, and re-advertise project.

Summary:

This project will improve pedestrian traffic and accommodate Americans with Disabilities Act (ADA) federally mandated criteria. Patrons that use the public right of way along 32nd St South will benefit from the project. ADA improvements will also serve to support the connectivity of the pedestrian system in the area by providing an accessible route to a State maintained ADA compliant pedestrian corridor along 10th Ave South. The location’s priority has also been established as well above average by public stakeholders and ADA federally mandated characteristics using metrics established and monitored in the Public Works ADA Transition Plan (Transition Plan).

Background:

Citizen Participation:

The area has been prioritized by the infrastructure scoring processes outlined in the Public Right of Way ADA Transition Plan. The construction activity will require temporary lane closures of 32nd Street South from the intersections of 7th through 9th Avenues. Access to residences adjacent to the construction zones will be maintained. This is part of a multi-phase plan to complete the ADA route from Central Ave to 10th Ave South.

Workload Impacts:

Design phase engineering including plans and specifications were completed by the City Engineering staff with assistance from City Utilities Division and City Street Division. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

This project will provide an ADA compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. The area has been prioritized due to a future mill and overlay project scheduled for 32nd St South. These routes improve the functional and aesthetic properties of the area and connect citizens of many demographics, while providing a means of independence for those with disabilities in the area. The proposed project will provide ADA compliant routes by installing curb ramps and alley aprons from the intersection at 32nd St South and 7th Ave South through the intersection at 32nd St South and 9th Ave South.

The project corridor is located in the Public Right of Way, and identified as a high priority route, due to the upcoming mill and overlay project. The ADA ramp replacement schedule established in the Transition Plan is being adhered to and fulfilled as outlined.

Project Work Scope:

See attached Project Summary Sheet.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune. One bid was received on March 20, 2024 from United Materials of Great Falls. The bid received was for \$278,575.00. The available funding for this project is \$190,000.00. The Bid is not being recommended for award due to the budget shortfall.

Conclusion:

The project was selected and prioritized in accordance with the Public Works Capital Improvement Program and Transition Plan. City staff recommends rejecting this bid, adjusting the size (scope) of this project, and re-bidding this project at a future date.

Fiscal Impact:

Streets Assessment and Gas Tax Funds, Water and Storm Enterprise Funds have been programmed and budgeted for this phase of the project at a substantially lower amount than what the bid was for. The attached bid tabulation summarizes the bid that was received.

Alternatives:

The City Commission could vote to award the construction contract for the project. This action would result in exceeding the budgeted amount for this project and decreasing the amount of future ADA projects this year, leading to citizen complaints and potential litigation, as this is not in compliance with ADA requirements or guidelines.

Attachments/Exhibits:

Bid tabulation

Project Summary Sheet

Office File Name: 32nd St South ADA Upgrades O.F. 1788.1

Completed by: The City Engineers Office

3/20/2024

Item #	Description of Pay Items	Qty	Unit	Engineer		United Materials	
				Unit Price	Total	Unit Price	Total
101	Mobilization 5% Max	1	LS	\$9,073.68	\$9,073.68	\$12,500.00	\$12,500.00
102	Traffic Control	1	LS	\$7,000.00	\$7,000.00	\$15,200.00	\$15,200.00
103	Concrete Curb & Gutter Integral R&R	800	LF	\$50.00	\$40,000.00	\$103.00	\$82,400.00
104	4" Concrete Sidewalk R&R	1,400	SF	\$12.00	\$16,800.00	\$18.00	\$25,200.00
105	6" Reinforced Concrete R&R	3,000	SF	\$20.00	\$60,000.00	\$25.00	\$75,000.00
106	Truncated domes	24	EA	\$400.00	\$9,600.00	\$350.00	\$8,400.00
107	Sod	3,000	SF	\$3.00	\$9,000.00	\$5.00	\$15,000.00
108	Irrigation	1	LS	\$5,000.00	\$5,000.00	\$8,450.00	\$8,450.00
109	Type I Curb Inlet with Concrete Apron	2	EA	\$6,000.00	\$12,000.00	\$10,600.00	\$21,200.00
110	Remove valve cover	1	EA	\$2,000.00	\$2,000.00	\$225.00	\$225.00
111	Miscellaneous Work	15,000	Unit	\$1.00	\$15,000.00	\$1.00	\$15,000.00
Total Base Bid Amount, Items 101-111					\$185,473.68		\$278,575.00

PROJECT SUMMARY SHEET:
32nd St S ADA Upgrades Phase 1, O.F. 1788.1
FY2024 Capital Improvement Plan
Current as of: March 1, 2024

Description: New ADA compliant Pedestrian Ramps and alley aprons from 7th Ave S through 9th Ave S along 32nd St S.

Justification: Per the ADA Transition plan areas around schools, medical facilities, and parks have a higher demand for pedestrian routes. This area has multiple churches and parks on or near 32nd St S, as well as a connection with 10th Ave S.

Scope: The project consisted of installing: approximately 800 Lineal Feet of integral concrete curb and gutter; 1,400 Square Feet of four (4)-inch concrete sidewalk; 2,800 Square Feet of six (6)-inch reinforced concrete; 24 truncated domes; and two type 1 curb inlets for storm water.

Added to CIP: 2nd half 2023

CIP Timeline: FY24: Delayed due to utility placements

Cost:

- Current Working Estimate: \$180,000
- Awarded Cost:
- Final Cost:

Funding Source(s): Streets Assessment and Gas Tax Funds, Water and Storm Enterprise Funds.

Planned Execution Method: Design-Bid-Build

Planned Construction CY: Summer 2024

Current Project Stage (Estimated Completion Date): Planning (Fall 2023), Design (Fall 2023), Bid (Winter 2023) Construction (Summer 2024), Warranty (November 2026)

- Design Method: In House

Map & Site Pictures:



East Alley 32nd St S and 8th Alley S



NW Corner of 32nd St S and 8th Ave S

PROJECT SUMMARY SHEET:
32nd St S ADA Upgrades Phase 1, O.F. 1788.1
FY2024 Capital Improvement Plan
Current as of: March 1, 2024



Future Phases



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Set Public Hearing on Resolution 10538 Establishing Residential and Commercial Sanitation Service Collection Rates Effective June 1, 2024

From: Laura Lynch, Utilities Operations Supervisor

Initiated By: Public Works and Finance Department

Presented By: Christoff T. Gaub, Public Works Director and Melissa Kinzler, Finance Director

Action Requested: Set Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 7, 2024, on Resolution 10538 to establish residential and commercial sanitation service collection rates effective June 1, 2024.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Summary: In an effort to provide necessary refuse collection and disposal services as well as fund the sanitation fleet, the Public Works Department, Sanitation Division, is seeking a rate increase effective June 1, 2024.

Background: Each year, staff reviews and analyzes the financing requirements of the Sanitation Fund to ensure the City has adequate funding for day to day operations, equipment, and emergencies. OCCGF 8.8.230 requires the Commission adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year.

The last residential and commercial rate increase was on May 1, 2023. Staff proposes adjusting the sanitation rates to adequately provide service while covering increased expenses largely due to the increase in operations, such as equipment, fuel, and landfill costs. Therefore, staff recommends increasing standard residential and commercial service collection rates by 5%. A regular residential bill would increase \$.83, from \$16.50 to \$17.33 per month. The senior rate would increase \$.58, from \$11.55 to \$12.13 per month. A commercial 3 yard container would increase \$4.00, from \$80.00 to \$84.00 per month. Some charges will increase slightly more than 5% due to increased cost of service. The following chart represents the most common residential and commercial containers with the current rate, proposed rate and increase amount.

Container Size	Current Rate	Proposed Rate for June 1, 2024	Increase Amount
Regular Residential	\$16.50	\$17.33	\$.83
Senior Citizen	\$11.55	\$12.13	\$.58
Commercial 3 Yard	\$80.00	\$84.00	\$4.00
Cardboard Recycling	\$24.00	\$25.00	\$1.00
Vacant Business	\$6.00	\$7.00	\$1.00

Cardboard recycling would increase from \$24.00 to \$25.00 per month to cover the cost of the service, and vacant business once a month pick-ups would increase from \$6.00 to \$7.00 per month to cover the cost of the service. Commercial fees would increase by 5% to cover the cost of the service. Comparisons of current versus proposed rates are attached for all user classes, container sizes, and services.

Fiscal Impact: The increases are necessary to continue to provide required pickup and disposal services as well as fund the sanitation fleet. Increased landfill fees, unknown but likely higher fuel costs, and a 4.75% wage increase for employees are the most significant drivers for a rate increase.

The cost of fuel remains stable and it is projected that the prices will increase as we continue to move towards spring and summer seasons. In FY 2022, the City paid \$329,553.55 for fuel. In FY 2023, the fuel cost decreased by \$37,823.99. In FY 2024, it is projected fuel costs will be very close to FY 2023. But, due to fuel being 6% of the total budget of the Sanitation Fund, and the uncertainty of future fuel costs at least a 5% (\$14,586) increase in fuel is projected for FY 2025.

Landfill fees continue to rise. Landfill rates change on January 1 of each year, not July 1. City Sanitation paid \$1,185,759.90 for 38,462 tons in FY 2023. The first 6 months were charged at \$30.31 per ton and the last 6 months were charged at \$32.43 per ton. In FY 2024, City Sanitation will pay \$32.43 per ton for the first 6 months and \$33.44 for the last 6 months. City Sanitation projects a total of \$1,208,647.00 for FY 2025 for landfill fees. This represents an estimated increase of \$35,541.00.

The Sanitation Division is scheduled to replace two residential side loaders and one commercial side loader. The two side loaders being replaced are model year 2016 and have 15,269hrs (Unit #908) and 9,845hrs (Unit #923) of operation. The commercial unit is a 2013 model year with 12,063hrs (Unit #917) of operation. The residential units are expected to cost \$453,740 each. In 2016, the city paid \$259,650 for each of these units. The commercial unit is expected to cost \$391,760. In 2013, the city paid \$206,901.00 for the commercial unit. The cost of these units has increased significantly in the last decade.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny Resolution 10538. Doing so will result in reduced funds available to maintain the equipment and staffing necessary to operate the sanitation service efficiently and effectively, and will negatively impact overall operations.

Attachments/Exhibits:

Resolution 10538

Current versus Proposed Rates

Public Notice for Publication

Rate Review Calendar

RESOLUTION 10538
A RESOLUTION ESTABLISHING RESIDENTIAL AND COMMERCIAL
SANITATION SERVICE COLLECTION RATES EFFECTIVE JUNE 1, 2024

WHEREAS, an annual review is performed of the cost of service for the collection and disposal of solid waste from customers of the City of Great Falls, in accordance with Title 8, Chapter 8, of the Official Code of the City of Great Falls; and

WHEREAS, pursuant to Title 8, Chapter 8, of the Official Code of the City of Great Falls, the City of Great Falls is authorized to regulate the City's sanitation services and to establish all rates, fees and charges; and

WHEREAS, the rate and fee schedules are prepared to generate sufficient revenue to pay all costs of the operation and maintenance of existing and proposed services and equipment for providing sanitation services to inhabitants of the City of Great Falls; and

WHEREAS, it is essential to the public health, welfare and safety of the inhabitants of the City of Great Falls to provide an adequate sanitation program and to provide sufficient funding to meet the cost of operation and maintenance; and

WHEREAS, notice having been provided as required by law, the City Commission of the City of Great Falls, conducted a public hearing on Tuesday, May 7, 2024, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider the cost of operation, maintenance, equipment, facilities and capital improvements for the solid waste collection and disposal system.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Basic monthly Sanitation Service Collection Rates are hereby established as follows:

<u>RESIDENTIAL</u>	<u>RATES</u>
Single Family Home	\$17.33
Duplex (\$17.33 per unit)	\$34.66
Triplex (\$17.33 per unit)	\$51.99
Additional 96 Gallon	\$9.82
Senior Citizen	\$12.13
Extra Pickup	
96 Gallon	\$20.00
300 Gallon	\$30.00
plus extra's - per minute	\$10.00

Charges for other commercial pick-up frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charged to the customer @ \$10.00 per minute if it takes longer than 2 minutes to load the material.

Special Pickup	
Large appliances	\$23.00
Large appliances with Freon	\$70.00

COMMERCIAL

96 Gallon	\$29.00
300 Gallon Commercial	\$35.00
1.5 yard	\$49.00
2 yard	\$59.00
3 yard	\$84.00
4 yard	\$112.00
6 yard	\$167.00
8 yard	\$221.00
Card Board Recycling	\$25.00
Vacant business **once a month pick-up	\$7.00

DROP BOX (per pick-up)

3 yard construction dumpster (plus rental fees)	\$67.00
6 yard construction dumpster (plus rental fees)	\$150.00
10 yard concrete dumpster (plus rental and disposal)	\$213.00
20 yard construction dumpster (plus rental fees)	\$380.00
30 yard construction dumpster (plus rental fees)	\$427.00
40 yard construction dumpster (plus rental fees)	\$470.00
30 yard compacted (plus disposal charge)	\$270.00
40 yard compacted (plus disposal charge)	\$270.00
Flat Rate Surcharge (over weight containers)	\$133.00
Dry Run Fee	\$63.00

Per Day Rental Fees

\$2.00 (no change)

Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Republic Services. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of May, 2024.

 Cory Reeves, Mayor

ATTEST:

 Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

 David Dennis, City Attorney

RESIDENTIAL AND COMMERCIAL SANITATION COLLECTION RATES
CURRENT VS PROPOSED RATES
EFFECTIVE JUNE 1, 2024

<u>RESIDENTIAL</u>	<u>CURRENT</u>	<u>PROPOSED</u>	
per month			
Single Family Home	\$16.50	\$17.33	
Duplex (\$17.33 per unit)	\$33.00	\$34.66	
Triplex (\$17.33 per unit)	\$45.00	\$51.99	
Additional 96 Gallon	\$9.35	\$9.82	
Senior Citizen	\$11.55	\$12.13	
Extra Pickup			
96 Gallon	\$16.50	\$20.00	
300 Gallon	\$21.00	\$30.00	
plus extra's - per minute	\$8.00	\$10.00	
<i>Charges for other commercial pick-up frequencies per week shall be the rate times the number of pick-ups per week. Large accumulation of material placed for collection may be charged to the customer @ \$10.00 per minute if it takes longer than 2 minutes to load the material.</i>			
Special Pickup			
Large appliances	\$22.00	\$23.00	
Large appliances-with Freon	\$66.00	\$70.00	
Special Services - Dumpster Cleaning			
Residential Dumpster	\$16.50	\$20.00	
Commercial Dumpster	\$55.00	\$60.00	
Compactors/Receiver Box	\$110.00	\$120.00	
<u>COMMERCIAL</u>			
per month			
96 Gallon	\$27.60	\$29.00	
300 Gallon Commercial	\$33.00	\$35.00	
1.5 yard	\$46.70	\$49.00	
2 yard	\$55.80	\$59.00	
3 yard	\$80.00	\$84.00	
4 yard	\$106.70	\$112.00	
6 yard	\$158.70	\$167.00	
8 yard	\$210.80	\$221.00	
Card Board Recycling	\$24.00	\$25.00	
Vacant business **once a month pick-up	\$6.00	\$7.00	
<u>DROP BOX</u>			
per pick-up			
3 yard construction dumpster (plus rental fees)	\$64.00	\$67.00	
6 yard construction dumpster (plus rental fees)	n/a	\$150.00	
8 yard construction dumpster (plus rental fees)	n/a	\$180.00	
10 yard concrete dumpster (plus rental & disposal)	\$203.00	\$213.00	
20 yard construction dumpster (plus rental fees)	\$362.00	\$380.00	
30 yard construction dumpster (plus rental fees)	\$407.00	\$427.00	
40 yard construction dumpster (plus rental fees)	\$447.00	\$470.00	
30 yard compacted (plus disposal charge)	\$257.00	\$270.00	
40 yard compacted (plus disposal charge)	\$257.00	\$270.00	
Flat Rate Surcharge (over weight containers)	\$126.00	\$133.00	
Dry Run Fee	\$60.00	\$63.00	
Per Day Rental Fees	\$2.00	\$2.00	no change
<i>Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Republic Services. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.</i>			
Additional Fees			
Delinquent Penalty 1.5% after 30 days.			

Attention Legal Ads:

NOTICE OF PUBLIC HEARING

Notice is hereby given that Resolution No. 10538 titled “A Resolution to Establish Rates in Accordance with Title 8, Chapter 32 of the Official Code of the City of Great Falls (OCCGF), for the Collection and Disposal of Solid Waste Collected from Customers of the City of Great Falls effective June 1, 2024” will be brought before the Great Falls City Commission for public hearing in the Commission Chambers Room 206, Civic Center Building, 2 Park Drive South, Great Falls, Montana, on Tuesday, May 7, 2024, at 7:00 o’clock p.m. Any interested person may speak for or against said Resolution 10496 at the public hearing, or submit written comments to the City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403, or by email to commission@greatfallsmt.net before 12:00 PM on Tuesday, May 7, 2024. Written communication received by that time will be shared with the City Commission and appropriate staff for consideration during the agenda item and before final vote on the matter.

Documents pertaining to this agenda item are posted on the City’s website at <https://greatfallsmt.net> under “Meetings,” and are on file for public inspection during regular office hours at the City Clerk’s Office, 2 Park Drive South, Room 102, Great Falls, MT, or contact us at (406) 455-8451.

/s/ Lisa Kunz
City Clerk

DO NOT PUBLISH BELOW THIS LINE:

Publication date: April 28, 2024
 May 5, 2024



2024 UTILITY RATE REVIEW CALENDAR

February						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
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March						
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31						

April						
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May						
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June						
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	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	

DATE	TASK	RESPONSIBILITY
2/12/2024	STAFF DISCUSSION RE: SANITATION RATE REVIEW	Finance / Public Works
2/14/2024	STAFF DISCUSSION RE: UTILITY RATE REVIEW FOR WATER, SEWER, AND STORM DRAIN	Finance / Public Works
	STAFF PRESENTATION TO CITY MANAGER City Manager's Office	City Manager Finance / Public Works
4/2/2024	PRESENTATION OF RATE ANALYSIS FOR WATER, SEWER, STORM DRAIN, AND SANITATION City Commission Work Session	Finance / Public Works Commission
4/2/2024	SET PUBLIC HEARINGS City Commission Meeting	Finance / Public Works Commission
4/10/2024	WEEK 2 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/14/2024	1st PUBLICATION OF NOTICES IN GF TRIBUNE (Water, Sewer, and Storm Drain)	Great Falls Tribune
4/17/2024	WEEK 3 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/21/2024	2nd PUBLICATION OF NOTICES IN GF TRIBUNE (Water, Sewer, and Storm Drain)	Great Falls Tribune
4/24/2024	WEEK 4 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/28/2024	3rd PUBLICATION OF NOTICE IN GF TRIBUNE (Water, Sewer, and Storm Drain) 1st PUBLICATION OF NOTICE IN GF TRIBUNE (Sanitation)	Great Falls Tribune
5/1/2024	WEEK 1 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
5/5/2024	2nd PUBLICATION OF NOTICE IN GF TRIBUNE (Sanitation)	
5/7/2024	PUBLIC HEARINGS/FINAL ACTION City Commission Meeting	Finance / Public Works Commission
6/1/2024	EFFECTIVE DATE FOR RATE INCREASES FOR SANITATION, WATER, SEWER, AND STORM DRAIN	Finance



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Set Public Hearing on Resolution 10537 Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective June 1, 2024

From: Melissa Kinzler, Finance Department Director

Initiated By: Public Works and Finance Department

Presented By: Christoff T. Gaub, Public Works Director and Melissa Kinzler, Finance Director

Action Requested: Set Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for May 7, 2024 on Resolution 10537 to establish residential and commercial water, sewer, and storm drain utility service rates effective June 1, 2024.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Summary: Each year, Public Works and Finance staff review and analyze the financing requirements of the water, sewer, and storm drain funds. The City contracted with Advanced Engineering and Environmental Services, Inc. (AE2S) for a water and sewer utility rate study in 2018 based on a comprehensive review of the City’s water and sewer funds and budgets, Water Master Plan, Wastewater Facilities Plan, customer classes, current usage data and future planned growth of the City. Due to COVID, the City was not able to adjust rates for three years. However, staff continues to evaluate rates based on the factors identified in the study.

Background: Adjustments in utility rates are necessary to provide adequate revenue to support operations, finance the capital improvements program, meet debt service coverage requirements, and to maintain appropriate reserves. The rate projections to meet future revenue requirements and gradually address cost of service for the various user classes have changed the way in which the proposed rates are being presented.

Staff is recommending a 15% increase for water, a 10% increase for sewer, and a 15% increase storm drain.

For Residential customers, an average water bill would increase \$3.02 or 15%, from \$20.18 to \$23.20 per month. An average sewer bill would increase \$2.62 or 10%, from \$26.29 to \$28.91 per month. An average storm drain bill would increase \$1.08 or 15%, from \$7.26 to \$8.34 per month. An average monthly Residential utility bill would increase \$6.72 or 12.5%.

For Commercial customers, an average water bill would increase \$9.48 or 15%, from \$63.21 to \$72.69 per month. An average sewer bill would increase \$8.38 or 10%, from \$83.84 to \$92.22 per month. An average storm drain bill would increase \$1.56 or 15%, from \$10.40 to \$11.96 per month. An average monthly Commercial utility bill would increase \$19.42 or 12.5%.

The rate increase for water is due to approximately \$60.4M in capital improvements needed over the next 5.5 fiscal years. The significant projects include Ongoing Water Main Replacements for \$16.3M and Water Treatment Plant (WTP) upgrades for \$22.4M. The WTP projects currently underway include the sludge processor and Corrosion Control implementation followed up by the Head house floor repairs. The cost of completing projects has increased substantially. For example, the solids handling project at the WTP was initially budgeted for \$8M and it came in at just under \$12M due to inflationary increases. The 33rd Street Tank is projected to cost \$12M for a new 5 million gallon tank; however, the Public Works Department has a repair solution at a cost of \$2M. Some projects identified for fiscal year 2028 and 2029 include the Sunnyside pump station design and construction for \$2.2M and the design and site acquisition for the new water storage reservoir (South Zone) for \$10.3M.

There are some regulatory projects that are not included on the Capital Improvements Projects list, including the lead service lines in the distribution system, disinfection by-products at the WTP, and nutrient removal at the WWTP. The City is conducting research on requirements and guidelines that will affect both the City as a whole and individual homeowners.

At the WTP, over the next 10 years, operating expenses are projected to grow from \$6.2M to \$9.8M. The projected cost escalation for key operational expenses is due to chemicals, electricity, labor, and general inflation. Chlorine costs have increased by 300% over last year and the other chemicals used at the WTP have increased by at least 30%. In addition, the electrical costs will triple for the WTP and Waste Water Treatment Plant (WWTP). These two facilities are the biggest consumers of electricity in the City. The annual cost for electricity is estimated to be around \$2.8M for the WTP and \$1.2M for the WWTP.

Fire hydrants are integral to the water system as a whole, and are included as a monthly charge within the rate structure rather than a once a year special assessment. Staff recommends a 15% increase.

The rate increase for sewer is due to approximately \$126.6M in capital improvements needed over the next 5.5 fiscal years. The significant projects include Ongoing Sewer Rehabilitation for \$6.6M, WWTP Projects and Improvements totaling \$105.7M, and Lift Station Rehabilitation totaling \$11.1M. The WWTP Biological Nutrient Removal (BNR) upgrades may total up to \$100M depending on the outcome of potential new regulatory requirements.

Over the next 10 years, operating expenses are projected to grow at the WWTP from \$5.9M to \$8.6M due to increases in operational expenses including chemical prices, electricity, labor, and general inflation. The Consumer Price Index (CPI) is currently at 3.2%. The current Incentive Target Price (ITP) is \$306,297.00 per month and the 3.2% operational increase will add \$9,801.50 per month for a total of \$316,098.50 per month or \$3,793,182.00 for the year. Chemicals have also increased 30%.

There are potential EPA and Montana DEQ regulatory requirements for the WTP and WWTP that are unknown and have not been included in the Capital Improvement totals.

The rate increase for storm drain is due to maintaining the current system with cleaning and lining current trouble areas. Furthermore, approximately \$27.5M in capital improvements are needed over the next 5.5 fiscal years to improve the overall functionality of our storm system, thus increasing our resiliency and redundancy. The significant projects include South Great Falls Storm Drainage Improvement projects for \$8.9M, and Central Avenue and 3rd Street South Drainage Improvement projects for \$6.7M.

The water disconnection cutoff time has changed from 5 pm to 4 pm the day prior to shut off to allow staff adequate time for shut off processing.

Fiscal Impact: The last rate increase for water, sewer, and storm drain was June 1, 2023. Due to the extended time that the utility rates were in effect during COVID without any rate increases, from November 1, 2019 through June 1, 2023, the City is struggling with having the operational funding to maintain services due to inflationary costs as well as completing all of the necessary capital improvements.

Comparisons of current versus proposed charges, rate and fee structures are attached. With the proposed rates effective June 1, 2024, the average monthly Residential utility bill would increase \$6.72 or 12.5%. The average monthly Commercial utility bill would increase \$19.42 or 12.5%.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny Resolution 10537. This would require the City to live within current utility rates, putting the utility systems at both short and long term risk with respect to infrastructure health, customer service, and regulatory compliance.

Attachments/Exhibits:

Resolution 10537

Public Notice

Current Rates vs. Proposed Rates

2024 Utility Rate Review Calendar

RESOLUTION NO. 10537**A RESOLUTION ESTABLISHING RESIDENTIAL AND COMMERCIAL
WATER, SEWER, AND STORM DRAIN UTILITY SERVICE RATES
EFFECTIVE JUNE 1, 2024**

WHEREAS, an annual review is performed of the water and wastewater cost of service for the municipal water and wastewater utilities, and rate and fee schedules prepared to generate sufficient revenue to pay all costs for the operation and maintenance, administration, and routine functions of the existing and such future facilities as may be established within the service area;

WHEREAS, the cost of service review indicates a need for extension, repair, improvement, and continued operation and maintenance of existing and proposed water and wastewater system facilities for the providing of water and wastewater services to the inhabitants of the City of Great Falls; and

WHEREAS, pursuant to Title 13 of the Official Code of the City of Great Falls, the City of Great Falls is authorized to regulate the City's municipal water and wastewater utility and to establish all rates, fees and charges for use of the utility systems or for permits, licenses, connections or inspections; and

WHEREAS, it is essential to the public health, welfare and safety of the inhabitants of the City of Great Falls to provide an adequate public water and wastewater system and to provide adequate funding to meet the cost of constructing, maintaining, and operating the same; and

WHEREAS, notice having been provided as required by law, the City Commission of the City of Great Falls conducted a public hearing on Tuesday, May 7, 2024, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, and Storm Drain Utility systems.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Water, Sewer, and Storm Drain Utility Service Rates are hereby established as set forth in Appendix A, attached hereto and made a part hereof.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of May, 2024.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

**PUBLIC NOTICE
PUBLIC HEARING ON RESOLUTION 10537
TO ESTABLISH WATER, SEWER, AND STORM DRAIN
RESIDENTIAL AND COMMERCIAL UTILITY SERVICE RATES**

The City of Great Falls is proposing to raise residential and commercial water, sewer and storm drain utility service rates, effective June 1, 2024. The increases are necessary to provide adequate revenue to finance the capital improvements program, to meet debt service coverage requirements and to maintain appropriate reserves.

Typical Residential Customers

Residential customers with a lot size of 7,500 square feet and a 3/4 " meter who use 600 cubic feet of water per month and have a winter quarter average of 600 cubic feet per month to calculate their sewer rate would see rate increases as follows:

- A water bill would increase \$3.02 or 15%, from \$20.18 to \$23.20 per month;
- A sewer bill would increase \$2.62 or 10%, from \$26.29 to \$28.91 per month; and
- A storm drain bill would increase \$1.08 or 15%, from \$7.26 to \$8.34 per month.

The average monthly Residential utility bill would increase \$6.72 or 12.5%.

Typical Commercial Customers

Commercial customers with a lot size of 7,500 square feet with a 1" meter and consumption of 2,400 cubic feet of water and sewer per month would see rate increases as follows:

- A water bill would increase \$9.48 or 15%, from \$63.21 to \$72.69 per month;
- A sewer bill would increase \$8.38 or 10%, from \$83.84 to \$92.22 per month; and
- A storm drain bill would increase \$1.56 or 15%, from \$10.40 to \$11.96 per month.

The average monthly Commercial utility bill would increase \$19.42 or 12.5%.

Public Hearing

The public hearing will be held on Tuesday, May 7, 2024, at 7:00 p.m. in the Civic Center Commission Chambers, 2 Park Drive S. Please mail any comments to City Clerk, City of Great Falls, PO Box 5021, Great Falls, MT 59403.

For further information, contact a City of Great Falls Utility Billing Clerk at (406) 727-7660 or Room 104 of the Civic Center, 8:00 am to 5:00 pm.



2024 UTILITY RATE REVIEW CALENDAR

February						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

March						
Su	Mo	Tu	We	Th	Fr	Sa
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3	4	5	6	7	8	9
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April						
Su	Mo	Tu	We	Th	Fr	Sa
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May						
Su	Mo	Tu	We	Th	Fr	Sa
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June						
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	8	9	10	11	12	13
	14	15	16	17	18	19
	20	21	22	23	24	25
	26	27	28	29	30	

DATE	TASK	RESPONSIBILITY
2/12/2024	STAFF DISCUSSION RE: SANITATION RATE REVIEW	Finance / Public Works
2/14/2024	STAFF DISCUSSION RE: UTILITY RATE REVIEW FOR WATER, SEWER, AND STORM DRAIN	Finance / Public Works
	STAFF PRESENTATION TO CITY MANAGER City Manager's Office	City Manager Finance / Public Works
4/2/2024	PRESENTATION OF RATE ANALYSIS FOR WATER, SEWER, STORM DRAIN, AND SANITATION City Commission Work Session	Finance / Public Works Commission
4/2/2024	SET PUBLIC HEARINGS City Commission Meeting	Finance / Public Works Commission
4/10/2024	WEEK 2 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/14/2024	1st PUBLICATION OF NOTICES IN GF TRIBUNE (Water, Sewer, and Storm Drain)	Great Falls Tribune
4/17/2024	WEEK 3 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/21/2024	2nd PUBLICATION OF NOTICES IN GF TRIBUNE (Water, Sewer, and Storm Drain)	Great Falls Tribune
4/24/2024	WEEK 4 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
4/28/2024	3rd PUBLICATION OF NOTICE IN GF TRIBUNE (Water, Sewer, and Storm Drain) 1st PUBLICATION OF NOTICE IN GF TRIBUNE (Sanitation)	Great Falls Tribune
5/1/2024	WEEK 1 PUBLIC NOTICE INSERTED IN UTILITY BILLS, EMAIL SENT TO EBILL CUSTOMERS	Finance Finance
5/5/2024	2nd PUBLICATION OF NOTICE IN GF TRIBUNE (Sanitation)	
5/7/2024	PUBLIC HEARINGS/FINAL ACTION City Commission Meeting	Finance / Public Works Commission
6/1/2024	EFFECTIVE DATE FOR RATE INCREASES FOR SANITATION, WATER, SEWER, AND STORM DRAIN	Finance

CITY OF GREAT FALLS, MONTANA

Resolution 10537, Appendix A

Current Rates vs. Proposed Rates

Page 1 of 5

Residential Water

Water charges include a service charge based on meter size and a consumption charge and is billed monthly.

Meter Size		3/4"	1"	1.5"	2"	3"	4"	6"	8"	10"	12"
2023	Regular Residential	8.57	10.15	16.07	22.03	69.34	95.08	163.13	238.41	337.12	497.48
2024	Regular Residential	9.85	11.68	18.48	25.34	79.75	109.35	187.60	274.18	387.68	572.10
2023	Low Income Residential	7.71	9.13	14.45	19.81	62.39	85.60	146.83	214.57	303.42	447.73
2024	Low Income Residential	8.87	10.50	16.62	22.78	71.75	98.44	168.85	246.75	348.94	514.89

Consumption Rate Per 100 cf	1st	Over
	600 cf	600 cf

2023	Regular Residential	1.94	3.25
2024	Regular Residential	2.23	3.73
2023	Low Income Residential	1.75	2.93
2024	Low Income Residential	2.01	3.36

Residential Fire Hydrant

The fire hydrant fee is based on the size of the water meter and is billed monthly.

Meter Size		3/4"	1"	1.5"	2"	3"	4"	6"
2023	Monthly	2.97	4.10	9.42	14.62	41.26	61.62	128.17
2024	Monthly	3.42	4.72	10.83	16.81	47.45	70.87	147.40

Residential Sewer

Sewer charges include a service charge (not based on meter size) and a consumption charge and is billed monthly.

Service Charge

2023	Regular Residential	9.92
2024	Regular Residential	10.91
2023	Low Income Residential	8.91
2024	Low Income Residential	9.80

Consumption Rate Per 100 cf	1st	Over
	600 cf	600 cf

2023	Regular Residential	2.73	2.73
2024	Regular Residential	3.00	3.00
2023	Low Income Residential	2.45	2.45
2024	Low Income Residential	2.70	2.70

CITY OF GREAT FALLS, MONTANA
Resolution 10537, Appendix A
Current Rates vs. Proposed Rates
 Page 2 of 5

Commercial Water

Water charges include a service charge based on meter size and a consumption charge and is billed monthly.

Meter Size		3/4"	1"	1.5"	2"	3"	4"	6"	8"	10"	12"
2023	Regular Commercial	8.57	10.15	16.07	22.03	69.34	95.08	163.13	238.41	337.12	497.48
2024	Regular Commercial	9.85	11.68	18.48	25.34	79.75	109.35	187.60	274.18	387.68	572.10

Consumption Rate Per 100 cf		1st 600 cf	Over 600 cf
2023	Regular Commercial	2.21	2.21
2024	Regular Commercial	2.54	2.54

2023	Black Eagle	2.24	2.24	2 - 8" meters @ 238.41	
2024	Black Eagle	2.58	2.58	2 - 8" meters @ 274.18	

2023	Malmstrom AFB	2.55	2.55	1 - 8" plus 1 - 10" meter 238.41 plus 337.12	
2024	Malmstrom AFB	2.93	2.93	1 - 8" plus 1 - 10" meter 274.18 plus 387.68	

2023	Raw Water	0.39	0.39		
2024	Raw Water	0.44	0.44		

Commercial Fire Hydrant

The fire hydrant fee is based on the size of the water meter and is billed monthly.

Meter Size		3/4"	1"	1.5"	2"	3"	4"	6"
2023	Monthly	2.97	4.10	9.42	14.62	41.26	61.62	128.17
2024	Monthly	3.42	4.72	10.83	16.81	47.45	70.87	147.40

Commercial Fire Line

Meter Size		3/4"	1"	1.5"	2"	3"	4"	6"	8"	10"	12"	16"
2023	Monthly	na	na	na	1.98	4.82	8.37	24.33	51.81	na	150.35	320.39
2024	Monthly	na	na	na	2.28	5.54	9.63	27.98	59.58	na	172.90	368.45

Commercial Sewer

Sewer charges include a service charge (not based on meter size) and a consumption charge and is billed monthly.

		Service Charge				Service Charge	
2023	Regular Commercial, Black Eagle, Malmstrom AFB	9.92		2023	MaltEurop	9.01	
2024	Regular Commercial, Black Eagle, Malmstrom AFB	10.91		2024	MaltEurop	9.91	

Consumption Rate Per 100 cf		1st 600 cf	Over 600 cf
2023	Regular Commercial	3.08	3.08
2024	Regular Commercial	3.39	3.39

2023	Black Eagle	3.20	3.20
2024	Black Eagle	3.52	3.52

2023	Malmstrom AFB	2.74	2.74
2024	Malmstrom AFB	3.01	3.01

Consumption Rate Per 100 cf		1st 600 cf	Over 600 cf
2023	MaltEurop	2.15	2.15
2024	MaltEurop	2.36	2.36

CITY OF GREAT FALLS, MONTANA
Resolution 10537, Appendix A
Current Rates vs. Proposed Rates
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PRE-TREATMENT SEWER CHARGES

	Quantity Charges CCF / Mo.	Service Charge Not Meter Based
2023 Regular Charges	1.56	9.92
2024 Regular Charges	1.72	10.91
2023 BOD > 0 mg/L	per pound	0.373
2024 BOD > 0 mg/L	per pound	0.410
2023 TSS > 0 mg/L	per pound	0.550
2024 TSS > 0 mg/L	per pound	0.605

SEWER EXTRA STRENGTH CHARGES

BOD > 200 mg/L

2023 Regular Commercial	per pound	0.373
2024 Regular Commercial inc Malmstrom AFB, Black Eagle, & MaltEurop	per pound	0.410

TSS > 250 mg/L

2023 Regular Commercial	per pound	0.550
2024 Regular Commercial inc Malmstrom AFB, Black Eagle, & MaltEurop	per pound	0.605

WASTEWATER TREATMENT PLANT (WWTP)

Industrial Discharge Permit Application Fees

(Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)

	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
2023	\$150	\$242	\$309	\$309	\$91	
2024	\$165	\$266	\$340	\$340	\$100	

Hauled Waste Disposal Fees

0 to 100 Gallons

2023	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons.
2024	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons.
2023	\$49.23	Per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.
2024	\$54.15	Per 1,000 gallons, or portion thereof, for hauled waste. A minimum charge for 1000 gallons will be levied for each load delivered.

Additional Fees

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

Returned Payment Fee \$30 (includes returned checks and returned electronic payments).

Delinquent Penalty 1.5% after 30 days.

**CITY OF GREAT FALLS, MONTANA
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CONNECTION FEES

WATER

		Water Service Line Size (inches)							
		3/4"	1"	1.5"	2"	4"	6"	8"	12"
2023		\$599	\$665	\$809	\$875	\$1,690	\$2,618	\$4,377	\$8,775
2024		\$689	\$765	\$930	\$1,007	\$1,943	\$3,011	\$5,034	\$10,091

Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.

SEWER

Single Family Residential

2023	\$303
2024	\$333

Commercial & Multi Family Units

		Water Service Line Size (inches)							
		3/4"	1"	1.5"	2"	4"	6"	8"	12"
2023		\$303	\$565	\$1,110	\$2,328	\$7,996	\$11,555	\$17,725	\$34,101
2024		\$333	\$622	\$1,221	\$2,561	\$8,795	\$12,710	\$19,497	\$37,511

Connection Fees are for connection of service line to WATER AND SEWER mains, and do not include installation or general plumbing permits. There is no fee to connect to the STORM SEWER SYSTEM.

Call City of Great Falls Community Development for more information @ 406-453-8430

Inspections and the associated fees are for the inspection and approval of all water and sewer service work and connections under OCCGF, Title 13. Call City of Great Falls Engineering for more information @ 406-771-1258

Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the the sewage being discharged on the same ratio as for other sewer connections.

TAPPING FEES (Water)

Fee for any new or replacement tap being made on a water main.

		Water Service Line Size (inches)							
		3/4"	1"	1.5"	2"	4"	6"	8"	12"
Fee per Tap:	2023	\$685	\$775	\$1,260	\$1,740	\$605	\$631	\$658	\$708
1 to 5 taps	2024	\$788	\$891	\$1,449	\$2,001	\$696	\$726	\$756	\$814
Fee per Tap:	2023	\$600	\$700	\$1,260	\$1,740				
6 or more taps	2024	\$690	\$805	\$1,449	\$2,001				

INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.

WATER TREATMENT PLANT (WTP)

Laboratory Fees (no change)

	Akalinity	Hardness	pH	Total Coliform & E. coli. P/A	Turbidity	HPC	Ammonia, Free	Chlorine, Free Residual	Chlorine, Total Residual	Non-Compliance TOC Test	Trip Fee (contractors that schedule testing and aren't ready when lab techs show up to sample)
2023	\$24.20	\$31.35	\$13.20	\$26.40	\$15.40	\$49.50	\$22.28	\$13.75	\$15.40	\$33.00	\$27.50
2024	\$24.20	\$31.35	\$13.20	\$26.40	\$15.40	\$49.50	\$22.28	\$13.75	\$15.40	\$33.00	\$27.50

TURN ON/OFF

First Offense:	2023	\$75	After Hours, First Offense:	2023	\$100
	2024	\$75		2024	\$100
Reoccurrence for Non-Pay:	2023	\$150	After Hours, Reoccurrence for Non-Pay:	2023	\$200
	2024	\$150		2024	\$200

2023 - Shut off fees for disconnection will be charged if the account is not paid in full by 5 pm on the day prior to shut off, regardless of whether or not the services are disconnected.
2024 - Shut off fees for disconnection will be charged if the account is not paid in full by 4 pm on the day prior to shut off, regardless of whether or not the services are disconnected.

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Storm Drain

Storm Drain charges include a base charge and a per square foot charge determined by land use designation.

		Service Charge		
2023		2.2319436433		
2024		2.5667351898		

A	Single Family Residential		Sq Ft Cap	15,000
2023	Per Sq Ft	0.0006695831		
2024	Per Sq Ft	0.0007700206		

B	Multiple Residential		Sq Ft Cap	0
2023	Per Sq Ft	0.0008369789		
2024	Per Sq Ft	0.0009625257		

C	Commercial		Sq Ft Cap	0
2023	Per Sq Ft	0.0010880726		
2024	Per Sq Ft	0.0012512835		

D	Heavy Commercial		Sq Ft Cap	0
2023	Per Sq Ft	0.0015065620		
2024	Per Sq Ft	0.0017325463		

E	Unimproved Areas		Sq Ft Cap	10,000
2023	Per Sq Ft	0.0001673958		
2024	Per Sq Ft	0.0001925051		



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3265 and Resolution 10539, Amending Title 13, Chapter 24, and Title 17, Chapters 48 and 52 referencing the City of Great Falls Storm Design Manual or Storm Drainage Design Manual and clarifying applicability thresholds and adopting the Storm Drainage Design Manual

From: Nathan Besich & Mark Juras, Environmental & Engineering Divisions

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Conduct public hearing, Adopt Ordinance 3265 and Resolution 10539

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3265.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
 3. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10539 adopting the City of Great Falls Storm Drainage Design Manual.”
 4. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Ordinance 3265 and adopt Resolution 10539.

Summary: The proposed Ordinance updates three Official Code of the City of Great Falls (OCCGF) references from the City’s “1990 Storm Design Manual” to the “most recent edition” and clarifies applicability criteria to be consistent with current practices under the City’s Municipal Separate Storm

Sewer Systems (MS4) permit. The proposed Resolution adopts the most recent edition of the City of Great Falls Storm Drainage Design Manual.

Background: In 1989, the City Commission adopted a storm drain master plan, created a storm drainage utility, and established sections 13.24 and 13.26 of the OCCGF. These efforts promoted sound development policies and construction procedures to preserve historic, natural or constructed watercourses; to minimize water quality degradation and control the sedimentation of rivers, streams, ponds, lakes, and other water bodies; to minimize adverse impacts on property owners adjacent to developing and developed land from increased runoff; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater resources; to minimize adverse effects of alterations on groundwater quantities, locations and flow patterns; to ensure the safety of public roads and rights of way; and to decrease drainage related damage to public and private property.

Subsequently, in 1990, the City published a Storm Drainage Design Manual (SDDM). The SDDM presents technical criteria to be used in the analysis and design of drainage systems within the City limits and the Urban Growth Area. This criteria sets forth rules and regulations which provide some assurance that the health, safety, welfare, and property of the City and citizens will be safeguarded and protected through the proper control and drainage of storm and surface water. Further, the SDDM assures that there is uniformity in performance with respect to design and construction of drainage facilities. The SDDM was first incorporated into the OCCGF in 1993. The SDDM has not been updated since its original publication.

Subsequently, in 2005, the City adopted Title 17 of the OCCGF, which in part established regulations to comply with the requirements contained in the City's General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer Systems (MS4) issued by the Montana Department of Environmental Quality to the City. The regulations under the MS4 permit generally promote public health, safety, and welfare by minimizing erosion, minimizing water pollution, and preventing damage to the environment in the City.

City staff is now proposing to update the SDDM. The update incorporates City's current processes and policies, and provides clarity and a guideline for the design community, developers, and contractors. The Public Works Department did a similar effort in the past with the Standards for Design and Construction for Public Water and Sanitary Sewer facilities, which has been well received by the community and has been a useful tool for City staff in providing consistent answers to questions and consistent reviews of various permit applications.

The proposed update to the SDDM also unifies the requirements of both the Engineering and Environmental Divisions of the Public Works Department into a "one stop shop" document, whereas previously the requirements were documented separately. The update incorporates the most current MS4 requirements.

City staff solicited feedback from the development community through a written public comment period from February 12 through March 1, 2024, as well as an open house on February 21, 2024. City staff did revise the SDDM to incorporate suggestions and minor corrections where practical.

This proposed Ordinance updates the references in the OCCGF to the most recent edition of the SDDM. It also provides clarification to thresholds that dictate when stormwater management facilities are required. That is, the Ordinance updates the applicability criteria to be consistent with current practices and the City's Municipal Separate Storm Sewer Systems (MS4) permit.

The proposed Resolution adopts the SDDM. It is likely that as federal, state, and local regulations change, the SDDM will need to be revised to reflect these changes. In that event, future changes to the SDDM as composed by City staff will be reviewed and approved by the City Manager, the Public Works Director, the City Engineer, and the Environmental Division Manager. This model of future changes has worked well for the currently adopted City Standards for Design and Construction.

Alternatives: The City Commission could choose to not adopt Ordinance 3265 and Resolution 10539. City staff would then coordinate with the City Commission to incorporate changes they would like made to the City's current practices and the updated manual. In the meantime, the SDDM would not incorporate the latest MS4 criteria, and the Engineering and Environmental Division requirements would continue to be housed in separate documents versus being in a central location for the development and contractor communities.

Attachments/Exhibits:

Ordinance 3265

Ordinance 3265 Exhibit A

Ordinance 3265 Exhibit B

Resolution 10539

Updated City of Great Falls Storm Drainage Design Manual

ORDINANCE 3265

AN ORDINANCE AMENDING TITLE 13, CHAPTER 24, SECTIONS 080 AND 090, AND TITLE 17, CHAPTER 48, SECTION 010, AND TITLE 17, CHAPTER 52, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REVISED STORM DRAINAGE DESIGN MANUAL

* * * * *

WHEREAS, the OCCGF was established to promote public health, safety and welfare; and

WHEREAS, changes in permitting and regulations occurred since implementation of the City of Great Falls Storm Drainage Design Manual, June 1990; and

WHEREAS, the Storm Drainage Design Manual applies to new and redevelopment of residential, commercial, and industrial facilities within the City limits and the Urban Growth Area; and

WHEREAS, the Storm Drainage Design Manual is developed to assist development in understanding and meeting the City’s storm drain requirements; and

WHEREAS, the City solicited feedback from the development community through a written public comment period from February 12 through March 1, 2024, as well as an open house on February 21, 2024. City staff did revise the SDDM to incorporate suggestions and minor corrections where practical.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

- Section 1. That Title 13, Chapter 24, Sections 080 and 090 of the OCCGF are hereby amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a strike-out and adds language which is bolded.
- Section 2. That Title 17, Chapter 48, Section 010 and Title 17, Chapter 52, Section 010 of the OCCGF are hereby amended as depicted in Exhibit “B” attached hereto, which removes any language indicated by a strike-out and adds language which is bolded.
- Section 3. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading March 19, 2024.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 2, 2024.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

State of Montana
County of Cascade
City of Great Falls

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3265 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

13.24.080 Submission of a drainage plan.

- A. All developers applying for any of the following permits and/or approvals shall submit for approval a drainage plan prepared by a professional engineer with their application and/or request **when the plan of development, common plan of development, or phased plan of development results in fifteen thousand (15,000) or more square feet of impervious development coverage or more than one acre of disturbance within the planning area, or where development is in a critical area as determined by the City Engineer:**
1. Major subdivision plat approval;
 2. Minor subdivision plat approval;
 3. Zone change applications to accommodate multi-family, business or industrial use;
 4. Conditional use permits;
 5. Building permits ~~where the permit relates to fifteen thousand (15,000) or more square feet of development coverage within the property, or where development is in a critical area as determined by the City Engineer;~~
 6. Planned (Unit) Development (PUD).
 7. **New pavement or concrete parking lots and existing parking lot work which results in a negative change in the storm drainage pattern as determined by the City Engineer or designee.**
- B. Commencement of construction work under any of the above permits or applications shall not begin until such time as final approval of the drainage plan is obtained in accordance with the ordinance codified in this chapter.
- C. The same plan submitted during one (1) permit/approval process may be subsequently submitted with further required applications. The plan shall be supplemented with such additional information as may be requested by the Director of Public Works.
- D. The plan requirement established in this section will apply except when the developer demonstrates to the satisfaction of the Director of Public Works and/or Planning Advisory Board that the proposed activity or development:
1. Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water; and
 2. Will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, nor cause any other adverse effects in the drainage; and
 3. Will not alter the subsurface drainage patterns, flow rates, and discharge points, nor result in any significant adverse effects to property or residents.

(Ord. 3265, 2024; Ord. 3057, 2010; Ord. 2645, 1993; Ord. 2529(part), 1989, ~~§13.24.080~~).

(Ord. No. 3057, § 1, 8-17-2010)

13.24.090 Contents of a drainage plan.

Drainage plans shall be prepared in accordance with the City of Great Falls Storm ~~d~~Drainage Design Criteria Manual, **most recent edition**, ~~—1990~~ and shall be consistent with the criteria set forth in this chapter.

(Ord. 3265, 2024; Ord. 2645, 1993; Ord. 2529(part), 1989, ~~§13.24.090~~).

17.48.010 Authority.

The provisions contained in this chapter are adopted to comply with the requirements contained in the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4) issued by the Montana Department of Environmental Quality to the City of Great Falls, most recent edition, and the City of Great Falls Storm Drainage Design Manual, ~~June 1990, as amended~~ **most recent edition**.

(Ord. 3265, 2024)

17.52.010 Authority.

The provisions contained in this chapter are adopted to comply with the requirements contained in the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4) issued by the Montana Department of Environmental Quality to the City of Great Falls, most recent edition, and the City of Great Falls Storm **Drainage** Design Manual, ~~June 1990, as amended~~ **most recent edition**.

(Ord. 3265, 2024)

RESOLUTION 10539

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ADOPTING THE CITY OF GREAT FALLS STORM DRAINAGE DESIGN MANUAL.

* * * * *

WHEREAS, the Storm Drainage Design Manual, hereafter referred to as “Manual”, is the comprehensive process and policy statement on erosion control and stormwater management for the City; and

WHEREAS, the Manual was prepared for design engineers, architects, developers, contractors, or other interested parties to provide standards and guidance to maintain compliance with the City’s erosion control Ordinance and stormwater management Ordinance, for which compliance is mandated by the State of Montana through the State’s General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems; and

WHEREAS, the Manual presents technical criteria to be used in the analysis and design of drainage systems within the City limits and its Urban Growth Area which sets forth rules and regulations which provide some assurance that the health, safety, welfare, and property of the City and citizens will be safeguarded and protected through the proper control and drainage of storm and surface water; and

WHEREAS, the Manual will assure that there will be uniformity in performance with respect to design and construction of all drainage facilities; and

WHEREAS, the Manual will be revised for compliance with applicable federal, state and local regulations, laws or other applicable policies, as changes to those regulations, laws and policies occur; and

WHEREAS, proposed departures from the Manual will be evaluated by City Staff on the basis that the proposal will produce acceptable functional, aesthetic, safe and economic results for the user, the environment, and the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the City of Great Falls Storm Drainage Design Manual is adopted as set forth and copies are available upon request at the Public Works Department.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2nd day of April, 2024.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David G. Dennis, City Attorney



STORM DRAINAGE DESIGN MANUAL

City of Great Falls, MT
March 2024



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Public Works Department STORM DRAINAGE DESIGN MANUAL for Great Falls, MT

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Appendix B. Drainage Report Requirements and Example Calculations

Appendix C. Templates

Appendix D. Additional Hydrology Information

Appendix E. Sample Seed and Fertilizer Specifications

Appendix F. Storm Drain Fee

Acknowledgements: The City of Great Falls Public Works Department developed this Storm Drainage Design Manual with assistance from HDR, Inc. and AE2S, LLC.



Chapter 1. Introduction

1.1 Purpose

The Storm Drainage Design Manual (hereafter referred to as “Manual”) is the comprehensive process and policy statement on erosion control and stormwater management for the City of Great Falls, Montana (City). This manual is intended to provide standards and guidance to maintain compliance with the City’s Erosion Control Ordinance and Stormwater Management Ordinance. Compliance with these ordinances is mandated by the State of Montana through the State’s General Permit for Stormwater Discharges Associated with Small Municipal Separate Storm Sewer Systems (MS4).

This manual presents technical criteria to be used in the analysis and design of drainage systems within the City limits of Great Falls, Montana, and its Urban Growth Area. This criteria is to set forth rules and regulations which provide some assurance that the health, safety, welfare, and property of the city and citizens will be safeguarded and protected through the proper control and drainage of storm and surface water. Further, this Manual will assure that there will be uniformity in performance with respect to design and construction of all drainage facilities. All proposed developments which meet thresholds established in the Official Code of the City of Great Falls (OCCGF) Sections 13.24, 17.48, and 17.52 must include provisions for storm drainage and/or erosion control. These provisions must use this manual as a guide and must be approved prior to any phase of construction. The Public Works Director or designee reserves the right in the City’s best interest to issue and enforce more stringent criteria should adverse conditions exist.

1.2 Authority

This Manual has been prepared by the City’s Public Works Department and duly adopted by the City Commission on _____ (fill in date upon adoption).

Please note that the information in this manual will be revised on an as-needed basis as regulations and policies are modified. This information is subject to change over time and the City of Great Falls Public Works Director, the City Manager, Environmental Division Manager, and City Engineer shall approve all changes. Please reference the latest reedition located on the City’s web page at the time of construction.

1.3 Documents Included by Reference

The following documents are included in this manual by reference:

- Official Code of the City of Great Falls (OCCGF)
- City Standards for Design and Construction, latest revision.
- Montana Public Works Standard Specifications (MPWSS), latest edition.
- City of Great Falls Extension of Services Plan.



- Enforcement Response Plan for the City of Great Falls.
- Montana General Permit for Stormwater Discharges Associated with Construction Activity (current version).
- Montana Small Municipal Separate Storm Sewer System (MS4) program requirements.
- Current Storm Drain Master Plan.
- Montana Department of Transportation Erosion and Sediment Control Best Management Practices Manual
- Other relevant Planning and Community Development guidance.

1.4 Current Master Plan

The City Commission has also adopted the Storm Drainage Master Plan, dated February 1989, in Title 13 of the OCCGF. Since its creation in 1989, the updates and additions listed below have been made to the Storm Drainage Master Plan and together constitute the overall Master Plan (hereafter referred to as “current Master Plan”). Where conflicts occur, the OCCGF shall govern, then the Manual, then the most recent document shall govern, unless otherwise noted. Copies of these documents are available upon request.

- “Southwest Storm Drainage Study for the City of Great Falls,” February 1991, Woith-Hodges Engineering, Inc.
- “Great Falls – North Storm Drainage Master Plan for the City of Great Falls,” August 2007, Morrison-Maierle.
- “Great Falls – Northeast Storm Drainage Master Plan for the City of Great Falls,” June 2010, Morrison-Maierle.
- “South Great Falls Storm Drainage Master Plan (with Attachment A),” March 2011, DOWL HKM.
- “Northwest Great Falls Storm Drain Study,” 2011, Thomas Dean & Hoskins.
- “18th Street South Storm Drain Improvements Study for the City of Great Falls,” June 2014, Thomas Dean & Hoskins.
- “City of Great Falls Storm Drain Master Plan,” 2024, Great West Engineering (under development)

The current Master Plan identifies and analyzes the existing drainage deficiencies and provides a range of macro scale drainage concepts for construction of future facilities required to serve the City at buildout, as well as providing prioritization of system maintenance and improvement projects. The recommendations in the current Master Plan may impact post-construction stormwater management requirements for development and therefore, should be considered early in the planning and design process, as noted in this Manual.

The current Master Plan may be reviewed and revised as planning horizons approach and as otherwise appropriate.



1.5 Design Exceptions, Deviations, and Errors & Omissions

This Manual is not intended to limit innovation or creativity, particularly when such efforts result in more efficient solutions. Departure from the required standards shall be determined by the Public Works Director or designee on a per project basis upon receipt of a written request which justifies the deviation. The decision to grant, deny, or modify the proposed deviation shall be based upon evidence that the deviation request meets all of the following criteria: (1) The change will meet the applicable performance requirement; (2) The change will achieve the intended result in a comparable or superior design; (3) The change will not adversely affect safety; and (4) The change will not adversely affect maintainability of the City's stormwater system. A non-standard system may take longer to review.

Any errors or omissions in the approved plans or information used as a basis for the approval of mandatory Stormwater Management Permits, may constitute grounds for withdrawal of approvals and/or stoppage of any or all of the permitted work, as determined by the City. It shall be the responsibility of the applicant and assigned agents to demonstrate why such work should continue, and to make changes to the plans as may be required by the City before approval of the plans is reinstated.

Chapter 2. Required Permits: Applicability, Submittal, Review, and Approval Process

2.1 Stormwater Management Permits

Two categories of Stormwater Management Permits exist, active-construction and post-construction. Active construction permits are required when the applicability thresholds of OCCGF 17.48 are met. Post-construction permits are required when the applicability thresholds of OCCGF 13.24 and/or OCCGF 17.52 are met. The sections of the OCCGF which are listed above are collectively referred to as the Erosion Control Ordinance. When any threshold is met and any type of permit is required, the applicant shall complete the Stormwater Management Permit application included in Appendix A. When the proposed development requires both active construction and post construction Stormwater Management Permits, the applicant is encouraged to submit for both permits at the same time.

2.1.1 Active Construction Permits

Summary

There are two types of Active Construction Permits, the Erosion Control Permit (ECP) and the Stormwater Pollution and Prevention Plan (SWPPP). For each Permit, a Stormwater Management Permit Application shall be submitted. For active construction projects which disturb more than 10,000 square feet, an ECP is required. A SWPPP is required for active construction projects which: disturb an acre or more; when soils on slopes of twelve (12) percent or more are disturbed, regardless of surface area; or when four hundred (400) cubic yards or more of soil material are placed or moved on or within a site, regardless of surface area.

Erosion Control Permit (ECP)

The following document meeting the standards outlined in the Erosion Control Ordinance and in this Manual are required to be considered a complete application:

- Stormwater Management Permit Application (Appendix A)
- Erosion Control Permit Checklist (Appendix A)
- Erosion Control Plan/Map meeting the requirements of the Checklist, the Erosion Control Ordinance, and this Manual
 - A map of the construction site showing the locations of the erosion control BMPs shall be submitted with the Erosion Control Permit application
 - The site plan/map format shall be consistent with the following:
 - The page size shall not exceed 24" by 36".
 - The plan shall be prepared at an appropriate scale to show the required information. For sites smaller than one acre, a scale of 1" = 20' is generally appropriate and for projects larger than one acre, a scale of 1" = 50' is generally appropriate.



- Where multiple sheets are necessary, a cover sheet with an index shall be included.
- Short narrative (e.g., cover letter) describing the proposed land-disturbing construction activities, any key considerations for protecting the environment from erosion during construction, the general approach to erosion control, and any waivers or variances that are being requested.
- Applicable permit application fee (under development)

Stormwater Pollution Prevention Plan (SWPPP)

The following documents meeting the standards outlined in the Erosion Control Ordinance and in this Manual are required to be considered a complete SWPPP application:

- Stormwater Management Permit Application (Appendix A)
- SWPPP application meeting the requirements of the Montana Department of Environmental Quality (MDEQ)
- Applicable Application Fee (under development)

Active Construction Permit Submittal

Applications may be included within a comprehensive development application to the Planning department. Applications not included with a larger development application may be delivered digitally to the Environmental Division Manager, in person, or mailed to the location listed below:

City of Great Falls Public Works
Environmental Division
1005 25th Ave NE
P.O. Box 5021
Great Falls, MT 59403

All SWPPP applications shall also be submitted to the MDEQ.

City Review and Approval Process for an Active Construction Permit Application

The following review and approval procedure will be used by the City Public Works Department:

- The City will review the application in conformance with the review checklist and within thirty (30) working days of the receipt of a complete permit application, the Department will inform the applicant whether the application and plan are approved or disapproved based on the requirements of the Erosion Control Ordinance and checklist.
 - Expedited approval shall be granted to applicants certified under the City's Erosion Control Preferred Contractor Program (see Section 2.1.2).
- If the permit application and plan are approved, the Public Works Department will issue the permit, will give it to the Planning Department Project Coordinator, with written approval of any variances.
- If the permit application or plan is disapproved, the Public Works Department will state in writing the reasons for disapproval.
- If the Public Works Department deems the application to be incomplete, they may request additional information from the applicant. If additional information is submitted,



the Department will have thirty (30) working days from the date the additional information is received to inform the applicant that the plan is either approved or disapproved.

2.1.2 Erosion Control Preferred Contractor Program

The Public Works Department offers a Preferred Contractor Program (PCP) that provides training to contractors or personnel that develop, inspect, and maintain construction and development site Stormwater Pollution Prevention Plans. The training covers Federal, State, and local construction stormwater regulations, ordinances, and policies, regulatory expectations of construction site operators, administrative and on-site requirements to comply with the SWPPP, erosion and sedimentation control principles and stormwater inspection protocols. The Preferred Contractor Program includes an initial training course and exam administered on a three (3) year cycle. Shorter-length refresher courses are offered annually. The PCP training courses satisfy the State of Montana's certification requirements for a SWPPP Preparer and Administrator as well as the City-specific permit and policies.

Upon completion of the PCP, contractors/personnel will receive a certification. This PCP certification will allow contractors to receive approval of Erosion Control Permits (ECP) upon submission. Erosion Control Permit reviews may take up to 30 days for those submitted by contractors not certified under PCP.

The City is offering the training to contractors and encourages participation of all contractors/personnel frequently working within Great Falls. The training program will cost \$XX (under development) per student. The goal of this Program is to help contractors stay up to date with regulations and best management practices and reduce the occurrence of stormwater violations.

Contractors successfully completing the PCP will be certified for a period of one (1) year and must complete the refresher course annually to remain certified. Reoccurring instances of non-compliance and/or violations may result in the removal of a contractor from the PCP. The following are examples of non-compliance and/or violations:

- Conducting regulated construction activities without submittal and approval of an ECP/SWPPP.
- Failure to properly install and maintain best management practices (BMPs) in accordance with the approved installation details.
- Failure to implement BMPs in accordance with the approved ECP/SWPPP.
- Isolated event of a stormwater and/or non-stormwater discharge that leaves the property and has the potential to enter the City's storm drain system.

All instances of non-compliance and/or violations will be addressed in accordance with the City of Great Falls Small Municipal Separate Storm Sewer System (MS4) Enforcement Response Plan.

2.1.3 Post-Construction Stormwater Management Permit

Summary

All developers applying for any of the following permits and/or approvals shall submit for approval a post-construction Stormwater Management Permit, prepared by a professional engineer with their application and/or request when the plan of development-common plan of development, or phased plan of development results in fifteen thousand (15,000) or more square feet of impervious development coverage or more than one acre of disturbance within the planning area, or where development is in a critical area as determined by the Public Works Director or Designee:

- Major subdivision plat approval;
- Minor subdivision plat approval;
- Zone change applications to accommodate multi-family, business or industrial use;
- Conditional use permits;
- Building permits;
- Planned (Unit) Development (PUD);
- New pavement or concrete parking lots and existing parking lot work which results in a negative change in the storm drainage pattern as determined by the City Engineer or designee.

For submitting a Post-Construction Stormwater Management Permit, also referred to as a “Drainage Plan”, the following process shall be used:

- The applicant shall first meet the requirements of the Planning department and if necessary attend a “Pre-Application” meeting for the proposed development project.
- If necessary, the applicant or their engineer is encouraged to contact the Public Works Department to arrange a meeting to discuss the proposed post-construction stormwater management plan, any past studies, regional plans, and requirements that may be above and beyond the performance standards listed this Manual or the OCCGF.
- The applicant or their engineer shall complete the Stormwater Management Permit application in Appendix A and the necessary post-construction Stormwater Management Permit documents and submit them with the larger Planning department submittal package.

Post-Construction Stormwater Management Permit Submittal Requirements

The data required in a Post-Construction Stormwater Management Permit submittal shall include a completed Permit Application in Appendix A and supporting documentation meeting the criteria of the Review Checklist in Appendix A. The supporting documentation generally includes:

- A stormwater design report
- Drainage plans
- Relevant construction drawings
- Soils information for infiltration systems (if needed)
- Maintenance Agreement, maintenance items, and/or operation and maintenance manuals (if applicable)



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- Applicable permit application fee (under development)

Soils Information

If infiltration to underlying soils will be used to manage any portion of the site runoff, the applicant shall submit sufficient soils information such as a geotechnical report, hydrogeological report, or percolation test report.

The purpose of the soils analysis is to provide sufficient information such that the reviewer has a clear understanding of underlying soils and groundwater characteristics and how those will interact with and be impacted by the proposed infiltration system.

Maintenance Agreement, Maintenance Items, and Operation and Maintenance Manuals

A draft Maintenance Agreement, draft maintenance items, and draft Operations and Maintenance (O&M) manuals are encouraged at submittal. A template for the Maintenance Agreement is included in Appendix C, ensure that the Maintenance Agreement is the latest version prior to completing and signing it. The signed and notarized final agreement, finalized maintenance items, and/or final O&M manuals are required prior to issuance of Temporary Certificates of Occupancy (TCO) or Certificates of Occupancy (CO). Maintenance items or O&M manuals shall be included for each post-construction drainage and stormwater management BMP. The Maintenance Agreement shall identify specific maintenance techniques and schedules for each type of system used on the project. At a minimum, the Maintenance Agreement shall include the following:

- The post-construction stormwater management control owner.
- The party responsible for long-term O&M with current contact information.
- A list of on-site BMPs.
- An inspection checklist and schedule for routine inspections and maintenance tasks.
- Criteria for triggering a major maintenance task.
- System failure and replacement criteria (e.g. maximum allowable sediment depth), including methods for testing and disposal of accumulated sediment.
- Any other provisions identified in OCCGF 17.52.

The final signed and notarized Maintenance Agreement shall be provided to the City prior to TCO and/or CO. The permittee shall provide copies of the Maintenance Agreement to the parties responsible for O&M of each post-construction stormwater management control.

Post-Construction Stormwater Management Permit Delivery Location

Post-Construction Stormwater Management Permit applications may be included within a comprehensive development application to the Planning department.

City Review and Approval Process for a Stormwater Management Permit Submittal

The review and approval process for a Post-Construction permit is the same as the Active Construction permit, and when both are needed, the Department strongly encourages the applicant and/or their engineer to submit them at the same time.



2.2 Department Plan Review Limitation and Permitting Disclaimer

The Department will conduct a limited review of submitted plans and applications for compliance with requirements set forth in the Erosion Control Ordinance and this Manual. The Department's limited review may evaluate technical details of the drainage plans, but is not intended to be a comprehensive substantive review of the plans and engineering. Similarly, the Department's issuance of a Stormwater Management Permit approval is not an endorsement of the plan or a proposed technology, nor is it an approval or verification of the engineering data and plans.

Therefore, approval or issuance of a permit by the City does not relieve applicants or their engineer or agent from responsibility to ensure system performance, safety, and compliance with other local, State, and Federal regulations. The applicant is solely responsible for ensuring that:

- All necessary City, County, State, and Federal permits have been obtained; and
- The design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, the Erosion Control Ordinance, the Stormwater Management Permit, this Manual, and all applicable City, County, State, and Federal requirements.

Chapter 3. Performance Standards and Dedication Policy

3.1 Erosion Control

The performance standard for erosion control is based on a technology-based effluent limitation. This means that compliance is achieved through the good engineering selection and design, implementation, installation, and maintenance of land-disturbing construction activity Best Management Practices (BMPs). The categories of BMPs that provide compliance with a technology-based effluent limitation for land disturbing construction activities include:

- Erosion control practices that reduce the potential for erosion to occur;
- Sediment control practices that trap soil erosion prior to leaving the site;
- Tracking control to reduce the potential for vehicles to track sediment onto public and private streets;
- Soil stabilization practices for temporary and permanent restoration;
- Dewatering management;
- Good housekeeping practices; and
- Waste management.

Best Management Practices (BMPs) are schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or structural features that prevent or reduce adverse impacts (soil erosion and pollutant transfer) to receiving waters. BMPs may be implemented either during construction or installed during construction for permanent use after site development is complete.

3.2 Temporary Construction BMPs

Projects which require active Construction Stormwater Management Permits shall provide construction stormwater management BMPs that meet design standards as defined in OCCGF Chapter 17.48. Construction stormwater management BMPs shall address, where applicable, erosion and sediment control, soil stabilization, dewatering, pollution prevention measures, prohibited discharges, and surface outlets, as identified and further described within the Erosion Control Permit Plan Review Checklist located in **Appendix A**.

The selection and implementation of individual construction stormwater management BMPs is project specific and dependent upon water quality objectives, site conditions, and applicability of use. All information pertaining to the proposed methods of construction stormwater management shall be included in the Erosion Control Permit application.

Construction activities which are covered under the Construction General Permit must also adhere to all State requirements as presented within the Construction General Permit. If City and General Permit requirements are not consistent, the more stringent requirement should be assumed.



It is beyond the scope of this manual to provide detailed design and implementation guidance for construction stormwater management BMPs. The City recommends the use of the following approved sources for construction stormwater management BMP design and implementation guidance:

- Montana Department of Transportation *Erosion and Sediment Control Best Management Practices Manual*.
- City of Great Falls Preferred Contractor Program training.
- EPA's Fact Sheet for the Stormwater and the Construction Industry.
https://www3.epa.gov/npdes/pubs/cu_swposter-final-fullsize.pdf
- Urban Drainage and Flood Control District *Urban Storm Drainage Criteria Manual: Volume 3 – Best Management Practices*, Chapter 7.
- Washington State Department of Transportation *Temporary Erosion and Sediment Control Manual*.

3.3 Post-Construction BMPs

Projects which require a Post-Construction Stormwater Management Permit must provide post-construction facilities meeting the criteria below.

3.3.1 Water Quality - Runoff Treatment Facilities

Runoff treatment facilities are designed to reduce pollution in stormwater discharges through volume reduction and/or reduction of pollutants within runoff. Typical pollutants of concern include suspended solids, nutrients, metals, certain bacteria and viruses, and organics. The design of post-construction treatment BMPs shall follow the standards set forth in the Montana Post-Construction Storm Water BMP Design Guidance Manual (September 2017), unless as specifically overruled in this manual.

The water quality performance standard is outlined in MDEQ's General Permit for Stormwater Discharges Associated with Small MS4s, effective as of April 1, 2022, which states:

Implement post-construction stormwater management controls that are designed to infiltrate, evaporate, transpire, and/or capture for reuse, the post-construction runoff generated from the first 0.5 inches of rainfall from a 24-hour storm preceded by 48-hours of no measurable precipitation, or

For projects that cannot meet 100% of the runoff reduction requirement, the remainder of the runoff from the first 0.5 inches of rainfall must be either:

- i. Treated onsite using post-construction stormwater management control(s) expected to remove 80 percent total suspended solids (TSS); or
- ii. Managed offsite within the same sub-watershed using post-construction stormwater management control(s) that are designed to infiltrate, evapotranspire, and/or capture for reuse; or



- iii. Treated offsite within the same sub-watershed using post-construction stormwater management control(s) expected to remove 80 percent TSS.

3.3.2 Water Quantity - Peak Flow Attenuation

Peak flow attenuation facilities are designed to control and release runoff at a lesser rate through detention facilities and outfall structures. The facilities shall meet the following performance standards:

- a. The stormwater runoff from a 100-year storm event (major storm) shall not be released from a proposed development at a flow rate greater than that for the 5-year design storm (minor storm) for the projected land use classification of that area.
- b. The amount of runoff to be detained on-site shall be at a minimum, the difference between the 100-year and the 5-year design storm, based on full development in accordance with the projected land use. The storm duration for the recurrence intervals should be either the 2-hour or a 24-hour storm, whichever creates the larger detention facility.
- c. Additional considerations may modify these standards as follows:
 - In locations covered by the current Master Plan, the more stringent standard of this Manual or the current Master Plan shall be used. For example, portions of the current master planned area require the 100-year post-development peak discharge be attenuated to the 2-year pre-development peak discharge.
 - If the City is aware of significant flooding issues downstream that have not already been studied by a Master Plan, the Public Works Director or designee may require additional detention or a study to evaluate the proposed development's impact on an already-known flooding problem.
 - If a development has a continuous route completely owned by the applicant to the Sun or Missouri Rivers, a lesser amount of peak flow attenuation may be allowed at the sole discretion of the Public Works Director or designee .

The runoff analysis for a particular area shall be based on the projected land use classification for that area. Contributing runoff from upstream areas shall also be considered and must be based on the projected land use and topographic characteristics of those areas. Runoff calculations shall be consistent with the Master Plan for the area.

3.3.3 Point of Discharge

In general, stormwater discharge will only be permitted into the City's conveyance facilities or established natural drainage ways. Storm drainage will not be discharged from one private lot to another unless appropriate easements are executed. Stormwater discharge connections to the City's system shall adhere to the City's Standards for Design and Construction and the OCCGF.

Stormwater discharge to a wetland. All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local waterbody without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the Public Works



Environmental Division. In no case shall the impact on functional values be any less than allowed by the Army Corps of Engineers (ACE) or the Montana Department of Environmental Quality.

Discharge to sensitive resources. Stormwater discharges to critical areas with sensitive resources (e.g., cold water fisheries) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

Discharges from "hotspots". Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of additional structural stormwater treatment practices and pollution prevention practices.

3.4 Dedication and Acceptance

In 1989, the City created a storm drainage utility to manage and control the detrimental aspects of storm drainage that affect the City of Great Falls. Therefore, it is the City's policy that public stormwater facilities within the right of way, as well as regional pond facilities which capture runoff from the public right of way, should be dedicated to the City for ownership. Also, stormwater facilities which convey public stormwater through private property should be dedicated to the City in a drainage easement. However, the City does make exception to this rule on a case by case basis where it is deemed best to transfer ownership and maintenance of public stormwater facilities to an individual, home owners association, property owners association, or similar separate entity.

All private stormwater facilities, including ponds, which do not convey stormwater from the public right of way and are located on private property are considered private. These facilities are owned and maintained by the property owner, in accordance with a signed Maintenance Agreement. The City reserves the right to inspect all private facilities. Private treatment and peak flow attenuation structures which are not meeting requirements must be repaired at the cost of the owner.

3.4.1 Easements and Right of Way

All public drainage infrastructure, including outfall protection and natural drainages, that conveys runoff from the public right of way shall be dedicated to the City in either an easement, or street right-of-way to the 100-year water surface elevation for street drainage, and a minimum of 1 foot above the 100-year water surface elevation for all other drainage infrastructure.

Easements to access, inspect, and perform work on City owned post-construction drainage and stormwater management facilities shall also be dedicated to the City.

Easements shall have a minimum width of 20 feet where facilities are underground and 10 feet for vehicle access to post-construction stormwater management facilities. Open channels must be located within a City easement or right-of-way. Open channel easement widths must provide a minimum of 10 feet from top of bank on one side of the channel for maintenance vehicle access, and a minimum of 2 feet on the adjacent side. Unobstructed vehicular access is required through all easements.



Private facilities under common ownership which are maintained by a home owners association, property owners association, or other ownership group also need access and maintenance easements and adequate provisions to access the facilities.

3.4.2 Acceptance

Public storm drain mains, laterals, stormwater management facilities, and other infrastructure constructed or modified as City projects, or to service new development or redevelopment, must meet City requirements prior to acceptance under the contractor, developer or redeveloper's warranty. Private stormwater systems shall not be accepted until the owner has provided the necessary operations and maintenance documents and a signed Maintenance Agreement.

Final Inspection

All public stormwater systems must be inspected by the City prior to acceptance and termination of the contractor warranty. The City reserves the right to video inspect private sites which have a connection to the City system. Two-year warranty inspections are required for systems dedicated to the public. Final inspections are arranged by contacting the Project point of contact and will consist of a visual inspection of the infrastructure and/or other means deemed acceptable by the City. This inspection typically occurs in conjunction with a pre-occupancy inspection or pre-substantial completion inspection. Visual inspection will be, at minimum, conducted by a City Inspector, Contracted agent of the City, or in the case of closed conveyances, using Closed Circuit Television (CCTV) and/or other applicable remote sensing technology. If the inspection is done by someone other than the City, the inspection field notes and summary of the inspection, and/or video or DVD must be presented to the City for review and approval prior to acceptance.

If the facility is not being properly maintained, the City will notify the landowner of the deficiencies. If the landowner does not perform the required maintenance, the City can impose fines in accordance with the OCCGF. The City can also perform the maintenance and charge the landowner the cost of said work.

Record Drawings Submittal

If the project includes private drainage and/or post-construction stormwater management facilities connected to the City public system, the applicant shall submit a final corrected plan (Record Drawings) to the City of the private facilities within 45 days of substantial completion. These shall be engineering drawings that accurately represent the project as constructed, and shall meet the Stormwater Management Permit Drainage Plan requirements shown within the Stormwater Management Permit Checklist in **Appendix A**. The City requires private facility Record Drawings to be in PDF format. The Record Drawings shall be at the same size and scale as the approved Construction Drawings.

Chapter 4. Hydrologic Analysis Methodology

This chapter provides the tools for estimating peak flow rates and volumes for sizing stormwater facilities. The City recognizes the Rational Method and EPA SWMM software program as its primary runoff calculation methods.

4.1 General Design Storms

All drainage systems must consider three separate and distinct drainage scenarios. The first is the minor storm, which recurs at fairly regular intervals. The second is the major storm, which is based on an infrequent event, and the third is the water quality event which is based on a more frequent rainfall event. The correlation between the three scenarios shall be analyzed to ensure a well-coordinated drainage system. Design storm event designations are as follows:

- Minor Storm – 5-year rainfall event (2-hr. and 24-hr.)
- Major Storm – 100-year rainfall event (2-hr. and 24-hr.)
- Water Quality Event – 0.5-inches of rainfall

The planning objectives for the more frequent storm events are to minimize inconvenience, to protect against recurring minor damage, and to reduce maintenance costs to create an orderly drainage system at a reasonable cost. The planning objectives for the major runoff events are to eliminate substantial property damage and loss of life. Runoff from the major storm may not spill onto a downstream drainage basin or subbasin, unless the downstream basin has capacity to convey the runoff flows from the upstream basin. The planning objectives for the water quality event are to capture and retain or remove pollutants from the first flush of all rainfall events to protect the health of receiving waterbodies.

4.2 Analysis Methodology

The methods presented in this section will be used in the determination and/or verification of runoff at specific design points in the drainage system. The runoff analysis for the area of development shall be based on both the existing condition and the post developed condition, or projected land use classification, for that area. Contributing runoff from upstream areas shall also be considered and must be based on the projected land use and topographic characteristics of those areas. Runoff calculations shall be consistent with the Master Plan for the area. Regardless of the hydrology methods used, final calculations shall be submitted within the Drainage Report.

In general, the Rational Method will be required to analyze smaller areas and the Environmental Protection Agency's Storm Water Management Model (EPA SWMM) method will be required to analyze larger areas. Drainage systems proposed for construction shall provide the minimum protection as determined by the methodology used. A summary of the applications and recommended criteria for use of each approved method are provided below.



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Table 4-1: Hydrologic Methods

Hydrologic Method	Application	Use For
Rational Method	- Provides peak runoff rates for small basins	- Sites 10 acres or less
EPA SWMM	- Provides runoff hydrographs and runoff volumes - Useful when routing of hydrographs through stormwater facilities is required	- Major subdivisions and planned unit developments containing 10 acres or more or having a time of concentration of one hour or greater
Water Quality Storm Calculation	- Provides water quality volume for the sizing of water quality controls	- Sizing water quality facilities subject to the Water Quality Requirement

4.3 Rational Method

The Rational Method may be used where drainage plans are required for minor subdivision plats, zone change applications, conditional use permits, and building permits. The Rational Method may be used on major subdivisions and planned unit developments provided they have a total acreage of less than 10 acres, or have a time of concentration of one hour or less for the entire drainage basin including the proposed development.

The primary source for this section is the Federal Highway Administration's (FHWA) "Urban Drainage Design Manual" publication, HEC-22, Third Edition (hereafter referred to as HEC-22). The Rational Method is based on the direct relationship between rainfall and runoff and is expressed by the following equation:

$$Q_p = C_f C_i A$$

Where

- Q_p = Peak runoff (cfs)
- C_f = Correction factor
- C = Dimensionless runoff coefficient
- i = Average intensity of rainfall (in/hr)
- A = Drainage area (acres)

The following basic assumptions are associated with the Rational Method:

- Peak flow occurs when the entire watershed is contributing to the flow.
- Rainfall intensity is the same over the entire drainage area.
- Rainfall intensity is uniform over a time duration equal to the time of concentration.
- Frequency of the computed peak flow is the same as that of the rainfall intensity, i.e. the 10-year rainfall intensity is assumed to produce the 10-year peak flow.



4.3.1 Frequency Correction Factor (C_f)

The runoff coefficient should be modified for less frequent, higher intensity storms because infiltration and other losses have a proportionally smaller effect on runoff. The adjustment of the Rational Method for use with major storms should be made through use of the frequency factor, C_f , as provided below:

Table 4-2: Frequency Correction Factors for the Rational Method

Recurrence Interval (Years)	Correction Factor C_f
0 to 10	1.00
25	1.10
50	1.20
100	1.25
Note: $C \cdot C_f$ should not exceed 1	

4.3.2 Runoff Coefficient (C)

The proportion of the total rainfall that will runoff and reach the drainage system depends on the runoff coefficient, C , which considers parameters such as soil type, imperviousness of the surface, the land slope, and the ponding characteristics of the area. The table below presents a range of required values for C .

It should be noted that the runoff coefficient is the variable of the Rational Method which is least susceptible to precise determination. A reasonable coefficient must be chosen to represent the integrated effects of infiltration, detention storage, evaporation, retention, flow routing and interception, all of which affect the time distribution and peak rate of runoff. On-site inspections and aerial photographs may prove valuable in estimating the nature of the surfaces within the drainage area.

If the basin contains varying amounts of different land cover or other abstractions, development of a composite runoff coefficient through use of the following equation is recommended:

$$C_{\text{weighted}} = \sum \frac{C_x A_x}{A_{\text{total}}}$$



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Table 4-3: Runoff Coefficients

Land Use	Runoff Coefficients	
	Land Slope 5% or Less	Land Slope Greater than 5%
Parks – turf		
Soils – clays, loams rock	0.20	0.30
Soils – sand, gravel	0.15	0.20
Agriculture		
Soils – clays, loam rock	0.15	0.30
Soils – sand, gravel	0.10	0.20
Vacant lots	0.20	0.30
Railroad yards	0.40	0.50
Single family residential	0.40	0.50
Single family mobile homes	0.40	0.50
Multiple family residential – Impervious area less than 50%	0.50	0.60
Mobile home trailer courts	0.50	0.60
Churches	0.50	0.60
Multiple family residential – Impervious area greater than 50%	0.65	0.75
Boarding and rooming houses	0.65	0.75
Small hotel and motel – Less than 10 units	0.65	0.75
Hotel and motel – Larger than 10 units	0.90	0.95
Industrial – Impervious area less than 70% of lot	0.65	0.75
General business – Impervious area less than 70% of lot	0.65	0.75
Public buildings (government services)	0.90	0.95
Schools	0.65	0.75
Industrial – Impervious area greater than 70% of lot	0.90	0.95
General business – Impervious area greater than 50%	0.90	0.95
Parking lots	0.90	0.95

4.3.3 Time of Concentration (t_c)

The time of concentration, t_c , is the time for a drop of water to flow from the most hydraulically remote point in the watershed to the point of interest. Sound engineering judgment should be used to determine the t_c . The t_c to any point in a storm drainage system is a combination of the sheet flow (overland), shallow concentrated flow, and channel flow, which includes storm drains.



Sheet Flow

Sheet flow is shallow flow over land which usually occurs in the uppermost portion of a watershed and occurs for only very short distances in urbanized conditions. The sheet flow travel time is found using the following equation or the nomograph displayed in Figure D3 in Appendix D

$$t_{ci} = \frac{1.87(1.1 - CC_f)D^{1/2}}{S^{1/3}}$$

Where

t_{ci} = Sheet Flow Time of concentration (minutes)

S = Slope basin, (%)

C = Rational Method Runoff Coefficient

D = Length of Basin, Feet

C_f = Frequency Adjustment Factor (Table 4-2)

Shallow Concentrated or Street Gutter Flow

The velocity for shallow concentrated flows can be computed using the following equation:

$$V = 3.28kS_p^{0.5}$$

Where

V = Velocity (ft/sec)

k = Intercept coefficient

(See Table D2, **Appendix D** for suggested k values)

S_p = Slope (percent)

Open Channel and Pipe Flow

The velocity in open channels and pipes can be determined using Manning's equation if the shape, flow depth, slope, and channel type are known. Channels can be in either natural or improved conditions. Reasonable assumptions may be made for flow depth, such as full flow. The velocity for open channel flows can be computed using the following equation:

$$V = \frac{1.49}{n} R^{2/3} \sqrt{S}$$

Where

V = Velocity (ft/sec)

n = Manning's roughness coefficient

(See Table D3, **Appendix D** for suggested Manning's n pipe values)



R = Hydraulic radius (ft)

S = Slope (ft/ft)

Velocity to Time Conversion

Using the velocity, t_c for shallow concentrated, street gutter, open channel, and pipe flows can be calculated as follows:

$$t_{ci} = \frac{L}{60V}$$

Where

t_{ci} = Time of concentration (min)

L = Length of the reach (feet)

V = Velocity (ft/sec)

Combined Time of Concentration

The individual times for sheet flow, shallow concentrated or street gutter flow, and open channel or pipe flow shall be combined to determine the total time of concentration t_c . The minimum t_c for any drainage basin shall be 5 minutes, even if the calculations produce a lesser amount.

4.3.4 Rainfall Intensity (i)

Rainfall intensity, i , is the average rainfall rate in inches per hour, and is selected based on design rainfall duration and design frequency of occurrence. The design frequency of occurrence is a statistical variable which is established by design standards or chosen by the engineer as a design parameter. For the Rational Method, the critical rainfall intensity is the rainfall having duration equal to the t_c . Therefore, for the purpose of the Rational Method, the rainfall intensity should equal the t_c for a given site.

Rainfall intensity shall be determined for various return periods and durations from Figure D1 (Appendix D) for appropriate t_c and recurrence interval. These curves were developed from data compiled by the National Oceanic and Atmosphere Administration (NOAA) at the Great Falls International Airport and recorded in the Precipitation-Frequency Atlas of the Western United States (NOAA Atlas 2).

4.3.5 Drainage Area (A)

The drainage area may be determined using topographic maps, supplemented by field surveys where topographic data has changed or where the contour interval is too great to distinguish the direction of flow. The drainage divide lines are determined by street layout, lot grading, structure configuration and orientation, and many other features that are created by the urbanization process.



4.4 EPA SWMM Software Program

The most current version of EPA's Stormwater Management Model (SWMM) software program shall be used for any drainage plan and will be required for major subdivisions and planned unit developments containing 10 acres or more, or having a t_c of one hour or greater. Use of EPA SWMM program requires a degree of judgment and understanding of complex drainage concepts; therefore, the City requires that development of the storm drainage runoff data using EPA SWMM software be conducted by a professional engineer trained in the use of the model. A digital copy of the model shall be included with the Stormwater Management Permit submittal.

The analysis shall follow the prescribed methodology contained in the software program. This section provides limits on variables to be used in the model. The Rainfall/Runoff and Flow Routing process modules shall be used for all areas in Great Falls larger than 10 acres in order to determine pipe sizes based on design storm rainfall hyetographs, soil conditions, land use, and topography. The program also determines the total runoff produced by a storm for design of flow control facilities. All SWMM analyses for the Great Falls areas shall use the following data:

- Table D4 (Appendix D) provides the rainfall intensities in inches/hour for the 2-hour 2-, 5-, 10-, or 100-year design storms as required for the area being evaluated.
- The evaporation data in the following table shall be used.

Table 4-4: Evaporation Data (SWMM)

Month	Evaporation (inches)	Month	Evaporation (inches)
January	0.00	July	0.26
February	0.00	August	0.23
March	0.00	September	0.15
April	0.15	October	0.10
May	0.19	November	0.00
June	0.21	December	0.00

- For subcatchment areas (areas that discharge flow into the system), the area, width and slope of each sub-basin shall be determined.
- Suggested manning roughness factors to be used for each subcatchment are shown in Appendix D:

Other parameters in the SWMM program require a degree of judgment. Some parameters drastically affect the results, while others do not significantly affect the flow computed by the SWMM program. The following input parameters have a large effect on the computer output and therefore need to be carefully analyzed. The following input data should be used.

4.4.1 Percent of Impervious Area with Zero Detention

The percent of impervious area with zero detention indicates the area that will result in immediate runoff of the storm drainage. For all types of land use classifications, 25 percent of the land shall be considered impervious and to have zero detention.

4.4.2 Percent of Impervious Area in Basin

The percent of area in the basin that will not allow water to percolate into the ground may be calculated from aerial photos or by lot sizes, land use, and other data regarding the individual lot development. In residential areas, runoff from roofs that flows onto the lawn and infiltrates into the lawn area will not be included in the impervious area. Roofs or portions of roofs that discharge runoff onto a driveway, sidewalk, or other impervious surface that drains to the street shall be included as an impervious surface. The impervious areas on a residential lot shall include sidewalks and driveways. Each area should be analyzed on a case-by-case basis. Typical rates are as follows:

- Congested residential area – 31%
- Open residential area – 29%
- Empty lot with paved street – 10%

4.4.3 Depression Storage

Depression storage is the volume that must be filled before runoff discharges from the area of influence of the depression. For impervious areas, the depression storage shall be 0.033 inch of depth, and 0.10 inches for pervious areas.

4.4.4 Infiltration Equation Parameters

Horton's equation (Horton, 1940) for prediction of infiltration capacity into the soil as a function of time shall be used as the infiltration model. The three parameters in the Horton equation are the initial value or maximum infiltration capacity, the ultimate value or minimum infiltration capacity, and the decay coefficient.

The initial infiltration capacity for the City varies with the type of soil. Refer to the table below for recommended values for soils that vary from clay to sandy soil.

Table 4-5: Initial Soil Infiltration Capacity

Soil Description	Infiltration Capacity (in/hr)
Sandy soil	1.67
Loam soil	1.00
Clay loam soil	0.75
Clay soil	0.20

The final infiltration capacity parameter for the Horton equation depends on the hydrologic soil group of the area. The NRCS Web Soil Survey of the project area shall be used to find the hydrologic soil groups, and then determine the final infiltration capacity from the table below. Use a decay rate of infiltration for the Horton equation equal to 0.00115.

Table 4-6: Final Soil Infiltration Capacity

Hydrologic Soil Group	Infiltration Capacity (in/hr)
A. Sands and gravels	0.45 – 0.30
B. Moderately fine to coarse	0.30 – 0.15
C. Moderately fine to fine	0.15 – 0.05
D. Clay soils	0.05 – 0.00

4.5 Water Quality Storm Calculations

The water quality design storm shall be used to size post-construction stormwater controls for projects subject to the Water Quality Requirement. In accordance with MDEQ's MS4 General Permit, the runoff volume for the design of post-construction stormwater management controls shall be from 0.5 inches of rainfall over a 24-hour period. The following section provides guidance on calculating the water quality volume (WQV).

4.5.1 Water Quality Volume

The WQV represents the first flush and is the amount of stormwater runoff from a rainfall event that should be retained onsite. Pollutants typically come from the impervious area and the following equation, developed by Claytor and Schueler, shall be used to calculate the WQV:

$$WQV = \frac{P R_v A}{12}$$

Where

- WQV = Water quality volume (acre-feet)
- P = Water quality storm rainfall depth of 0.5 inches
- R_v = Runoff coefficient, R_v = 0.05 + 0.9(I)
- I = Percent impervious cover draining to the facility converted to decimal form
- A = Site drainage area (acres)

4.5.2 Water Quality Flow

The water quality flow (WQF) rate is used to determine a peak flow rate associated with the WQV for sizing flow-based treatment systems such as a biofiltration swale and flow diversion structures for off-line stormwater treatment practices. The WQF is calculated using the following procedure, which relies on the WQV computed above and utilizes the NRCS TR-55 Graphical Peak Discharge Method, as described in Claytor and Schueler.

Step 1: Determine the Runoff Curve Number

Determine the NRCS Runoff Curve Number (CN) using the following equation, which is derived from the CN method described in Chapter 2 of TR-55.

$$CN = \frac{1000}{\left[10 + 5P + 10Q - 10(Q^2 + 1.25QP)^{1/2} \right]}$$

Where

- CN = Runoff Curve Number
 P = Rainfall depth (use 0.5 inches)
 Q = Runoff depth (in watershed inches)

Compute the runoff depth (Q) in watershed inches using the following equation.

$$Q = \frac{WQV * 12}{A}$$

Where

- Q = Runoff depth (in watershed inches)
 WQV = Water quality volume (acre-ft)
 A = Area (acres)

Step 2: Calculate the Time of Concentration

Calculate the t_c using methods as described in this Manual.

Step 3: Calculate the WQF

Compute the WQF based on the following procedures as identified in Chapter 4 of TR-55: "Graphical Peak Discharge Method," described as follows.

- Calculate the initial abstraction (I_a) using the following equation.

$$I_a = 0.2 * \left(\frac{1000}{CN} - 10 \right)$$

- Once I_a has been calculated, compute the ratio I_a/P where $P = 0.5$ inches.
- Use the calculated values for t_c and I_a/P to read the unit peak discharge (q_u) from TR-55 Exhibit 4-II (see Appendix D). For I_a/P values of less than 0.5, use $I_a/P = 0.5$.
- Compute the WQF using the following equation:

$$WQF = q_u A Q$$

Where

- WQF = Water quality flow rate (cfs)
 q_u = Unit peak discharge (cfs/mi²/inch) (See Figure D2, Appendix D)
 A = Drainage area (mi²)
 Q = Runoff depth (in watershed inches)

Chapter 5. Conveyance Infrastructure Design Standards

The criteria and procedures found in this chapter establish the basis of design for drainage conveyance infrastructure including streets, gutters, inlets, storm drains, culverts, and open channels. This chapter covers design standards for permanent drainage (conveyance) infrastructure.

5.1 General Design Criteria

Conveyance systems transmit surface water up to a specific design flow to protect property and the environment. These systems may convey natural drainage, on-site discharges, or off-site discharges. Calculations relating to design of conveyance infrastructure shall be submitted for approval in accordance with this Manual. Stormwater conveyance features to be dedicated to the city including streets, curbs and gutters, inlets, storm drains, manholes and related appurtenances shall conform to City construction standards.

Runoff from both the minor (5-year) and major (100-year) storms for post developed conditions shall be analyzed and checked for compliance with this design criteria. Natural topographic features shall govern the system design and the location of easements. Wherever existing drainage patterns and slopes are defined, these shall be used. Natural drainageways are to be used whenever feasible. The natural drainageway may be dedicated as publicly owned land in the form of a park. Structures shall not be built in a drainage path and buildings adjacent to a natural drainageway shall be flood-proofed to a point at least two feet above the projected flow depth generated by the major storm.

Alteration to natural drainage patterns will be approved if a thorough investigation and analysis shows no hazard or liability. The drainage facilities so designed must be able to handle the design flows with no erosion damage. Considerations shall be given to both snowmelt and snow storage when siting and designing all storm drainage facilities. Storage of snow shall not impede the function of water quality or runoff control BMPs.

The planning and design of the drainage system shall not simply transfer the problem from one location to another or create a more hazardous condition downstream. Although improvements may not have to be made upstream or downstream of a subdivision, provisions shall be made in every development to comply with the criteria set forth in this Manual.

5.2 Streets

Streets shall be designed as an integral part of the storm drainage conveyance system. Streets are to be designed to supplement other conveyance systems to carry the major storm runoff. Subdivisions shall be laid out such that there is a street generally following the bottom of the natural drainage way. The minimum street longitudinal (in the direction of flow) slope shall be 0.5 percent. The maximum street longitudinal slope shall be 10% and shall be such that the performance criteria for street drainage are met. The minimum cross-slope on all streets shall

be 2.0 percent with a maximum of 4.0 percent. T-intersections shall not be permitted except under the following conditions:

- The slope of the street that is terminating in the intersection must be less than 2 percent for the last 100 feet to the intersection centerlines or 60 feet to the edge of transverse pavement, whichever is lesser.
- The street running through the intersection shall have a slope greater than the terminating street.
- The total depth of gutter flow on the terminating street during the 100-year storm must be at or below the intersecting street crown. A storm drain conveyance system shall be constructed if needed to meet this condition.

Standard intersections shall meet the following conditions:

- The grades of the streets sloping into the intersection shall be less than 2 percent for the last 100 feet to the intersection centerlines or 60 feet from edge of transverse pavement, whichever is lesser.
- Install storm drain inlets on the street of least grade and bring water around corner from steeper grade
- Install valley gutters at all residential intersections where gutter flow is to continue straight through the intersection.

The encroachment standards for the minor (5-year) and major (100-year) rainfall events and the allowable street cross flows are provided in the tables below

Table 5-1: Encroachment and Inundation Standards for the Minor Storm

Street Classification	Minor Storm Inundation Standard
Local (includes alleys)	<ul style="list-style-type: none"> - No curb overtopping, no edge of asphalt overtopping for inverted alley crown. - Flow may spread to crown of street.
Collector	<ul style="list-style-type: none"> - No curb overtopping. - Flow spread must leave at least one lane width free of water.
Arterial	<ul style="list-style-type: none"> - No curb overtopping. - Flow spread must leave at least one lane free of water in each direction and should not flood more than two lanes in each direction.

Notes: Lane Width assumed to be 12'.

Where no curbing exists, encroachment shall not extend over property boundary.

The maximum street flow velocity should not exceed 10 feet per second.

Table 5-2: Encroachment and Inundation Standards for the Major Storm

Street Classification	Major Storm Inundation Standard
Local and Collector (includes alleys)	<ul style="list-style-type: none"> - The depth of water at the street crown shall not exceed 6 inches to allow operation of emergency vehicles. - The depth of water over the gutter flow line shall not exceed 12 inches. - Residential dwellings and public, commercial, and industrial buildings shall not be inundated at the ground line unless buildings are flood proofed. Street flow must be confined to the right-of-way.
Arterial	<ul style="list-style-type: none"> - The depth of water shall not exceed the street crown to allow operation of emergency vehicles. - The depth of water over the gutter flow line shall not exceed 12 inches. - Residential dwellings and public, commercial, and industrial buildings shall not be inundated at the ground line unless buildings are flood proofed. Street flow must be confined to the right-of-way. <p>(The most restrictive of the crown depth and gutter flow line depth criteria shall govern)</p>

Cross-street flow occurs at intersections, sump locations, and for culvert or bridge overtopping scenarios. Cross-street flow standards for the minor and major storm are provided in Table 5-3.

Table 5-3: Allowable Cross Street Flow

Street Classification	Minor Storm Requirement	Major Storm Requirement
Local	6 inches of depth in cross pan/valley gutter.	12 inches of depth above gutter flow line.
Collector	Where cross pans are allowed, depth of flow shall not exceed 6 inches.	12 inches of depth above gutter flow line.
Arterial	No cross-flow permitted.	No cross-flow permitted. Maximum depth at upstream gutter on road edge of 12 inches.

5.3 Gutters

Gutter capacity for uniform gutter sections, as presented in HEC-22, shall be determined from the modified Manning's equation displayed in the equation below. An "n" value of 0.016 shall be used for all calculations involving street runoff.

$$Q = \left(\frac{0.56}{n} \right) S_x^{1.67} S_L^{0.5} T^{2.67}$$

Where



Q	= Flow rate (cfs)
n	= Manning's roughness coefficient
S _L	= Longitudinal slope (ft/ft)
S _x	= Cross slope (ft/ft)
T	= Spread (ft)

The spread, T, in a uniform gutter section can be calculated using the modified Manning's equation (above) and solving for T as follows:

$$T = \left(\frac{Qn}{0.56S_x^{1.67}S_L^{0.5}} \right)^{0.375}$$

Where the spread is known, the depth of flow, d, in a uniform gutter section can be calculated using the following equation:

$$d = TS_x$$

Valley Gutters

Where storm drains / inlets are not needed at a local to local street intersection, and where runoff is intended to cross through the intersection, valley gutters shall be installed to transport runoff across the intersection. The minimum grade of the valley gutter shall be 0.5 percent at the flow line. Valley gutters shall be constructed in conformance with the City Standards for Design and Construction. No valley gutters are allowed on arterial or collector streets except in extreme cases when approved by the Public Works Director or designee. Valley gutters are prohibited to cross collector and arterial streets.

5.4 Inlets

Inlet Location and General Requirements

Public storm sewer inlets to be dedicated to the City shall meet the City's standards for Design and Construction. Inlets shall be placed so that the encroachment of gutter flow at the inlet does not exceed the specified encroachment for the street and design storms described in the tables above. The City generally prefers the use of combination inlets, although area inlets, curb-opening inlets and grate inlets may be considered on a case-by-case basis.

In general, inlets shall be placed at all low points (sags) in the gutter grade. Sag inlets require drainage easements or other overflow provisions to prevent flooding or storm water damage to adjacent properties. Inlets should be placed upstream of intersections/pedestrian crossings if possible to reduce nuisance flow and icing issues crossing vehicle and pedestrian traffic lanes. Where the street cross slope changes at an intersection approach, gutter flow should be intercepted with inlets prior to the cross slope transition.

Within subdivisions, mid-block inlets shall be located along property lines to reduce the potential for conflicts with future driveways and other development features. Where a curbed roadway crosses a bridge, the gutter flow should be intercepted and not permitted to flow onto the bridge.



Finally, the storm drain inlets being placed in City streets shall be designed so that the street drainage performance standards described above are met. The following additional design considerations shall be met:

- Overland flow on residential streets will be restricted to a maximum total length of 600 feet before being controlled by a storm drainage conveyance system.
- Inlets should be designed to maximize stormwater capture capacity and minimize sediment capture without affecting bicycle and pedestrian traffic.
- Sediment filter inserts may be required by the City in high sediment areas.

Inlet Spacing and Capacity Calculations

Determining the correct spacing of inlets involves multiple steps. These steps are well described and documented in Section 4.4 of HEC-22, which is suggested as a reference for inlet design. Inlet spacing and capacity calculations shall be included within the Drainage Report and shall include HEC-22's Figure 4-19 (Inlet Spacing Computation Sheet), or a similar report/table which conveys the significant calculation assumptions and results. Note that commercially available software may be used to determine grate inlet spacing and capacity.

Inlet capacity shall be evaluated based on the assumptions that inlet capacity would be reduced as follows:

- Inlets in sag locations – inlet capacity in sag locations shall reflect 25 percent plugging by debris, i.e. design capacity equals 75 percent of the theoretical capacity.
- Inlets at on-grade locations – inlet capacity on-grade shall reflect 25 percent plugging by debris, i.e. design capacity equals 75 percent of the theoretical capacity.
- The capacity of an inlet is the lesser of the computed capacity above and the capacity of the inlet lateral pipe.
- If permanent sediment filters are installed, the inlet capacity calculations shall consider the filter manufacturer's capacity restrictions of the inlet.

The theoretical capacity of inlets shall be based on best-available information such as manufacturer or industry design charts or procedures.

5.5 Storm Drains

The term storm drain is defined as an underground pipe network designed to transport storm drainage runoff to an outfall. This includes inlets, conduits, manholes and all appurtenances. The design of all storm drain conveyance system components shall be determined by a thorough analysis of the drainage area and streets involved in accordance with the provisions of this section. Capacities of storm drains shall be computed using Manning's equation unless designed for pressure flow and the hydraulic gradient shall be calculated for each storm drain system.

Storm drains are used to convey and control stormwater flows from collection to discharge points and to convey flows through an area. The design of storm drain systems shall take into consideration runoff rates, pipe flow capacity, hydraulic grade line, soil characteristics, pipe



strength, potential construction problems, and potential impacts on down-gradient properties. In the preparation of hydraulic designs, a thorough investigation shall be made of all existing structures and their performance on the waterway in question. Storm drains shall meet the following design criteria:

Table 5-4: Storm Drain Performance Standards

Parameter	Requirement
<i>Minimum Design Capacity</i>	
Minor Storm	Storm drains shall be designed to operate in a non-pressurized (non-surcharged) flow condition during the minor storm.
Major Storm	Storm drains may be designed to surcharge during major storm events; however, surcharging shall not result in street flooding that exceeds the criteria listed in Table 3-1 and Table 3-2.
<i>Minimum Velocity (full)</i>	2.5 feet per second
<i>Maximum Velocity</i>	12 feet per second

Storm Drain Pipe

An underground storm drain system is necessary in new development and redevelopment whenever allowable street runoff capacities are exceeded for the minor and/or major storms.

Pipes shall be designed to withstand anticipated loads in accordance with standard industry design procedures. AASHTO HS-20 loading may be assumed during design unless unique conditions of the site warrant a higher load capacity. The pipe shall be constructed of materials defined in Section 02720, "Storm Drain Systems", of the Montana Public Works Standard Specifications (MPWSS). Said pipe shall be installed per manufacturer's recommendations and MPWSS to provide the maximum service life. Storm drains with pressure flows shall be designed to withstand the forces of such pressure in accordance with the appropriate standards.

Storm drain pipe installed underneath street pavement sections within the right-of-way shall meet the City's Standards for Design and Construction. Generally, reinforced concrete pipe is required. Alternatively, SDR 35 PVC may be used for pipe sizes between 4" to 24" assuming cover requirements are met and pipe bedding does not extend into the roadway gravel section. Other pipe materials may be used within the right-of-way when approved by the Public Works Director or designee and for construction in open space areas.

**Table 5-5: Storm Drain Design Parameters**

Parameter	Requirement
<i>Minimum Main Pipe Diameter</i>	
Circular Pipe	15 inches, not decreasing in flow direction
Elliptical or Arch	12 inches, not decreasing in flow direction
<i>Minimum Inlet Lateral Pipe Diameter</i>	12 inches, not decreasing in flow direction
<i>Cover Depth</i>	Provide structural calculations or pipe manufacturer's recommendations

Manholes

Manholes shall conform to MPWSS drawing Numbers 02720-3 (eccentric cone), 02720-4, or 02720-5 (eccentric cone), at the direction of the Department. Manholes dedicated to the City shall conform to the City's Standards for Design and Construction. Manholes shall be placed wherever there is a change in size, abrupt change in direction, elevation, or slope, where there is a junction of two or more systems or laterals, or to conform to the maximum distance shown in the table below.

Table 5-6: Manhole Design Parameters

Parameter	Requirement
<i>Maximum Manhole Spacing</i>	
15" to 36" diameter storm drain	400'
42" to 60" diameter storm drain	500'
66" and larger diameter storm drain	600'
<i>Minimum Manhole Size</i>	
15" to 24" diameter storm drain	4' manhole diameter
27" to 36" diameter storm drain	5' manhole diameter
42" diameter storm drain	6' manhole diameter
48" and larger diameter storm drain	Junction box or tee manhole

Private to City Connections

All discharge connections from private sites to the City's storm drain system shall meet the City's Standards for Design and Construction. 4" and 6" connections may utilize an in-line wye or inserta tee. Connection sizes 8" and larger shall connect at a manhole. All applicable connection fees and permits shall be obtained and the connection shall be inspected by City staff. The design should consider installation of backflow prevention devices to prevent stormwater from within the City's storm drain system from surcharging to private property. If utilized, backflow preventers must be installed on-site and not within the public right-of-way. If



the development does not use backflow prevention, the City is not responsible for any flooding damages associated with backflow from the City's system.

5.6 Culverts

A culvert is a pipe used to convey the design flow under a roadway or embankment flow, without causing excessive backwater or overtopping of the structure, and without creating excessive downstream velocities. The design of culverts shall be conducted in accordance with the provisions of this section.

Methods and Procedures

The analysis and design of culverts involves multiple steps. These steps are well described and documented in FHWA's "Hydraulic Design of Highway Culverts" publication, HDS-5, Third Edition, which should be used for reference. However, the analysis of culverts is typically done using commercially available computer software packages. Regardless of the selected methodology, design calculations and results shall be included within the Drainage Report and shall include, at a minimum, the following:

- Complete culvert calculations that state the design peak flow rates, culvert size, slope, inverts, length, material type, wall thickness, and Manning's coefficient.
- Type of inlet and outlet control.
- Headwater depths and water surface elevations for the design storm events.
- Velocities at the inlet and outlet for the design storm events.
- Flow control type (inlet or outlet).
- Roadway cross-section and roadway profile.

Outlet Protection

Pipe and culvert outfall protection shall be located at the downstream side of culvert crossings and generally placed on the same alignment and grade as the existing drainage way. Analysis of erosion and scour potential is required at all culvert outfalls. FHWA's "Hydraulic Design of Energy Dissipaters for Culverts and Channels" publication, HEC-14, Third Edition (hereafter referred to as HEC-14), is recommended for reference when designing outlet protection at culvert outfalls. Hard armoring and cutoff walls are generally required at all outfalls.

Design Standards

The following minimum culvert design standards shall be met:

- Culvert minimum slope shall be 0.5 percent, unless the average slope of the natural channel is less, in which case, the average slope of the natural channel should be used.
- The structural design of culverts shall be the more stringent of:
 - Methods and criteria recommended by the manufacturer for that culvert type and for the conditions found at the installation site.

- Minimum standards set forth by AASHTO for HS-20 loading.
- If more severe loading conditions than HS-20 would occur, minimum standards set forth by AASHTO for that loading condition.
- All culverts shall be fitted with flared end sections, headwalls, wingwalls or other approved methods of reducing entrance losses. Projecting ends are not permitted.
- For large structures, where groundwater is a problem, or where the pipe is in inlet control, the design shall include necessary provisions to resist hydrostatic uplift forces that could result in failure of the structure.
- Culvert slopes shall be designed so that neither silting nor excessive velocities resulting in scour can occur.
- Ponding above culvert inlets will not be allowed if such ponding will cause property or roadway damage, culvert clogging, saturation of fills, detrimental upstream deposits of debris, or inundate any other structure.
- If a large elevation change exists from the upstream to downstream ends of the culvert, a drop inlet culvert may be used.

Table 5-7: Culvert Performance Standards

Parameter	Requirement
<i>Allowable Street Overtopping (Major Storm)</i>	
Local and Collector Streets	Maximum depth of 6 inches at the street crown.
Arterials	No overtopping allowed.
<i>Structure (Building) Flooding</i>	Residential dwellings and public, commercial, and industrial buildings shall not be inundated at the ground line in the major storm event.
<i>Maximum Headwater/Diameter Ratios (HW/D)</i>	
10-year, 24-hour rainfall event	HW/D < 1.0
100-year, 24-hour rainfall event ¹	HW/D < 1.5
<i>Minimum Velocity (Minor Storm)</i>	2.5 feet per second

¹ If contributing watershed is greater than 1 square mile, is predominantly undeveloped, and is not covered by the current Master Plan, USGS StreamStats may be used.

5.7 Open Channels

All open channels shall be designed to carry the major storm runoff (100 year recurrence interval) with allowance for flow being carried by other types of conveyance systems.

General and Performance Standards

Open channels are classified into two major groups:



- Natural channels - include all watercourses that have been established by nature and are oftentimes regulated by State and/or Federal agencies.
- Constructed channels - are man-made or are natural channels that have been significantly altered by human effort. They can be vegetated or hard armored with riprap, gabions or other materials. All proposed channels, including concrete, asphalt, and mortared, be approved by the Public Works Director or designee.

The use of open channels shall generally be limited to undeveloped areas that can conform to the requirements of the hydraulics, topography, and right-of-way limitations. The geometry of constructed channels should generally be trapezoidal. Vegetated channels shall be designed such that:

- Side slopes are 4H:1V or flatter unless approved by the Public Works Director or designee and appropriate vegetation establishment and maintenance approaches are used.
- Drop structures may be used to control the grade to meet the velocity performance requirements.
- The design shall consider the vegetation's ability to withstand projected channel velocities and shear stresses such that the channel is stable for the 100-year event. Permanent channel protection measures such as turf reinforcement mat shall be designed if velocities exceed 5 feet per second in the 5-year event.
- Unless the vegetated channel is also providing a post-construction water quality improvement benefit, the grass species selected for seeding shall conform to requirements set forth by the City's standard specifications (see **Appendix E**).
- Vegetation must maintain a 70 percent vegetative cover.
- Vegetated channels, if designed appropriately, may also provide post-construction water quality improvement (e.g. biofiltration swale).

Hard armored channels may only be utilized when the conditions for vegetated channels cannot be met and when approved by the Public Works Director or designee. General requirements for hard-armored channels are:

- Concrete, gabions, slope mattresses, riprap and other approved measures can be used.
- Side slopes shall be 3H:1V or flatter, unless fenced. Side slopes shall not exceed manufacturer or engineer specifications.
- When a hard-armored channel has a higher velocity than a downstream vegetated channel, an energy dissipation is required to avoid excessive erosion at the channel transition.

Specific requirements for concrete channels include:

- Concrete channels shall be continuously reinforced, both longitudinally and laterally.

- Design of concrete channels on bends or curves shall take into consideration the centrifugal and gravitational forces on the flow within the channel section.
- Design and construction of concrete channels shall consider the full range of expected climatic conditions that could cause frost heave or differential settlement.
- Concrete channels shall be protected from hydrostatic uplift forces by the use of drain piping, weep holes, or appropriate footings.
- The concrete shall be finished, as close as possible, to the degree of roughness used in the design of the channel.
- Concrete channels must have the bottom sloped so that the flow is channelized towards the center line.

Specific requirements for flexible hard-armored channels include:

- Gabions, slope mattresses and riprap smaller than 12 inches shall either be buried on maintainable slopes or grouted to prevent vandalism.
- Appropriate transitions between the flexible hard armoring and subgrade is required, which may include a filter fabric, manufacturer-recommended material(s), or sub-base aggregate.
- Riprap material shall be of sound quality, have at least three fractured faces, and have sharp, angular, clean edges.
- Riprap shall be generally uniform in dimensions with the longest side no longer than 3 times the shortest length.

Open Channels shall meet the following performance standards:

Table 5-8: Open Channel Performance Standards

Parameter	Requirement
<i>Minimum Freeboard (Major Storm)</i>	
Vegetated Channel	1 foot or additional capacity or 1/3 of the design flow, whichever is smaller
Hard-Armored Channel	0.5 feet or additional capacity or 1/3 of the design flow, whichever is smaller
<i>Minimum Grade</i>	0.5 Percent
<i>Minimum Velocity (Minor Storm)</i>	2.0 feet per second
<i>Maximum Velocity (Major Storm)</i>	7.5 feet per second ¹
<i>Stability (Negligible Erosion)</i>	25-Year Event (includes outfalls)
<i>Flow Regime (Major Storm)</i>	Subcritical Flow ²

¹ Maximum velocity may exceed 7.5 fps with an approved design deviation.

² If Froude Number is above 0.7, Engineer shall complete a sensitivity analysis of the estimated Manning's n-value to determine if a reasonable estimate of the n-value would cause critical or supercritical flow. If critical or supercritical flow occurs, the hydraulic design or armoring plan shall be adjusted as needed to provide a stable channel.



Design Criteria

Flow through open channels is generally calculated using Manning's equation:

$$Q = \frac{1.49}{n} A R^{2/3} \sqrt{S}$$

Where

- Q = Flow (cfs)
- n = Manning's roughness coefficient
- A = Cross-sectional area (ft²)
- R = Hydraulic radius
- S = Slope (ft/ft)

Design of an open channel is usually based upon an assumed roughness coefficient (Manning's "n" value). Specific maintenance requirements should be designed to maintain an open channel with an "n" value approximating that used in the original design calculations. Required open channel roughness coefficients are provided in the following table.

Table 5-9: Open Channel Manning's Roughness Coefficients

Lining Type	Typical Manning's n
Concrete	0.013
Grouted Riprap	0.030
Asphalt	0.016
Bare Soil	0.020
Rock cut (smooth, uniform)	0.035
Gravel Mulch	0.040
Cobble	0.050
Riprap	0.065
Grass Swale	0.025

Channel Protection

Channel protection is required if the velocity within a channel exceeds the maximum permissible velocity for the soil or channel lining. The protection usually consists of an erosion-resistant material such as riprap. The ability of riprap revetment to resist erosion is related to the size, shape, and weight of the stones.

FHWA's "Design of Roadside Channels with Flexible Linings" publication, HEC-15, Third Edition (hereafter referred to as HEC-15) is recommended for reference when designing channel protection measures.

Chapter 6. Regional Treatment Facility Policy

6.1 Introduction

The City has identified significant liability concerns with requiring developments to capture and convey stormwater from existing public right-of-way, or newly established right-of-way dedicated as part of the project or Common Plan of Development, to private stormwater facilities. The City finds that the potential liability assumed by requiring this type of practice exceeds the “Maximum Extent Practicable” for its MS4 program implementation, within the intended meaning of this standard at Section 402 (p)(3)(B)(iii) of the Federal Clean Water Act. Therefore, when applicable, the water quality and quantity component originating from the right-of-way and property development which does not meet criteria for on-site facilities should be accounted for in a Regional Treatment Facility (RTF), and not a private pond or treatment facility. RTFs are critical components of the City’s overall stormwater management approach. These facilities can provide retention, detention, and treatment of stormwater runoff that extend beyond any specific development to a drainage basin as a whole. In order to recognize this benefit, the City is adopting a RTF policy. This policy will enable the City to continue acting as the primary responsible party for maintaining RTFs.

6.2 General Policy

Threshold

A RTF shall be considered when a proposed development serves 200 or more residential lots, when the total basin contributing to the RTF serves 200 or more residential lots, when an existing facility is considered by the City as a RTF, or when the City deems necessary.

Authority

The City is the primary responsible party for reviewing, approving, operating, and maintaining RTFs. This allows for the highest degree of certainty that the RTF will meet or exceed the design specifications required by the City in order to meet its Municipal Separate Storm Sewer Systems (MS4) permit through the Montana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency. As a result, the City intends to review, approve, or oversee the design and construction of any RTF as well as maintain ownership over the facility throughout the facility’s life.

Design Criteria

In general, the RTF shall be designed to meet the criteria of this Manual. Both a water quantity component and a water quality treatment component shall be integral to the design. The total contributing basin shall be considered. The City may require additional design criteria in order to maximize the efficiencies of construction and management based on anticipated growth factors from the contributing basin.



6.3 Financial Policy

In accordance with the City's Extension of Services Plan, those who contribute stormwater flows to the facility will bear the cost of the facility in proportion to their use. The City may share in the cost of funding the RTF. The City's cost participation will be limited to available capital improvements funding. The developer will be responsible for the balance of the cost not funded by the City or other funding sources. Both the developer and/or the City may be eligible for reimbursement of costs incurred for funding RTFs.

Total Capital Cost

Capital improvements costs associated with RTFs shall include design, construction, land acquisition, legal, and administrative components. These costs shall be determined based upon a full-buildout RTF serving the total area benefiting from the facility.

Proportional Share

The proportional share shall be determined based upon a unit cost for the total contributing acreage and/or based on total contributing volumes and flows. The unit cost shall be the total capital cost divided by the total contributing acreage and/or total contributing volume and flow. The City will require an exhibit describing the proposed basin for each RTF and relevant calculations summarizing the unit cost or proportional share.

Reimbursements

As new developments are approved that will be served by that RTF, they shall be assessed a reimbursement for their proportional share. Reimbursements for RTFs shall account for the time value of money. The rate to be used in calculating the time value of money costs shall be the Engineering News Record Construction Cost Index Ratio at the time of the assessment. Should a development need additional capacity over and above the design capacity of the RTF as calculated for that specific development area, an additional surcharge will be calculated and may be levied on the contributing development.

Phasing

On a case by case basis, the City may allow phased improvements to a RTF, assuming provisions to accommodate the full-buildout RTF are provided with the initial phase. In such cases, future cost shares shall be appropriated and assessed at the time of the phased improvements or in accordance with an approved phasing plan.

6.4 Additional Requirements

The following criteria, and any other criteria deemed necessary by the Director of Public Works or designee, must be met:

- When stormwater will be conveyed to an existing RTF that is currently owned/operated by the City
 - The use of the RTF must be approved by the Public Works Director or designee.



- An engineering evaluation is provided demonstrating that the existing RTF has available capacity to meet the Water Quality and Quantity Requirement for runoff from the right of-way of the street in question.
- The project proposing to discharge to the RTF may be responsible to construct alterations relative to the size of the proposed development, or planned phased improvements, in order to address Water Quality and Quantity Requirement.

Chapter 7. Runoff Control Facilities

Permanent runoff facilities are divided into water quality treatment and flow control. The purpose of water quality treatment facilities is to reduce pollutant loads and concentrations in stormwater runoff. The purpose of flow control facilities is to mitigate the impacts of increased storm runoff volumes and flow rates on receiving streams and infrastructure. Note that some runoff control facilities may be designed to attain both flow control and water quality treatment requirements. Calculations relating to design of runoff control infrastructure shall be submitted for approval in accordance with this Manual.

7.1 Runoff Treatment Facilities

All projects requiring a post-construction Stormwater Management Permit shall include runoff treatment BMPs which meet the water quality performance standards stated in Chapter 3. Treatment BMPs shall use the sizing and design parameters of the *Montana Post-Construction Stormwater BMP Design Guidance Manual* and the following general requirements:

- Each treatment BMP shall be sized based on the WQV.
- The WQV calculations and facility design documentation must be provided within the Drainage Report.
- Design measures shall be taken to mitigate the potential for damage resulting from large runoff events which produce large volumes of runoff and high velocities.
- Specialized analysis, design, and construction steps may be required for placement of any ponding or infiltration facility located near or up-gradient from a building foundation. A soils analysis shall be conducted to assess the feasibility of infiltration and potential adverse impacts of stormwater infiltration with the use of such facilities.
- Projects subject to additional permits from other jurisdictions (e.g. MDEQ, US Army Corps of Engineers, etc.) and projects which discharge stormwater to critical areas with sensitive resources (i.e. wetlands) may be subject to additional performance criteria.
- Projects which seek to reuse runoff may be subject to water-rights requirements. Contact Montana DNRC for further discussion on this topic.
- Active construction stormwater management BMPs may not be removed from a project until post-construction stormwater management controls are functional, including established vegetation, when applicable.
- Ease of maintenance shall be a paramount consideration in the design and construction of all runoff treatment facilities. Maintenance access which accommodates the equipment necessary to perform maintenance shall be provided.

Inspection of Facilities

The City will conduct a compliance inspection prior to completion of construction to verify that the elements of the approved BMPs have been implemented. The City Environmental Division will also provide technical assistance site visits upon request.



The City may establish inspection programs based on, but not limited to: routine inspections, random inspections, inspections based on complaints or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants, and joint inspections with other agencies. Inspections may include, but are not limited to, reviewing maintenance and repair records, and evaluating the condition of runoff treatment facilities.

All private stormwater treatment facilities shall have an enforceable Maintenance Agreement with the City and/or other applicable parties which include specific thresholds for each element of the treatment system to ensure proper functioning of the system.

7.2 Flow Control Facilities

All projects requiring a post-construction Stormwater Management Permit shall include runoff flow control facilities which meet the water quantity performance standards stated in Chapter 3. Standard flow control facilities include detention or retention facilities which reduce the flow rate discharging from by pond via an outlet control structure, evaporation, infiltration, or other approved method. All other facilities are considered non-standard and must be approved for use by the Public Works Director or designee.

The design of flow control facilities requires consideration of a variety of factors including, but not limited to: hydrology, hydraulics, structural design, geotechnical considerations, landscaping, vegetation, and environmental concerns. The City's minimum design considerations are provided within the following sections; however, it is beyond the scope of this Manual to provide detailed stormwater management facility design guidance. It is the responsibility of the project owner to utilize a design which considers all appropriate factors and does not adversely affect nearby structures or properties.

Facility design must account for all stormwater runoff upstream of the development. Runoff which originates off-site must either be routed around the facility, or the facility must be designed to safely manage off-site flows. The City encourages innovative measures to limit the maximum runoff from any proposed development. Any requests for the use of innovative approaches shall be accompanied by appropriate design computations and shall demonstrate that the methods will not create public nuisances or have adverse environmental impacts. Such strategies may include any of the following:

- Retention with disposal through seepage into the groundwater, evaporation into the atmosphere, and/or plant uptake through transpiration.
- Increase the time of concentration by lengthening the overland flow path, terracing, or flattening of slopes.
- Roof detention.
- Roughening surfaces or utilizing filter berms.
- Underground storage.
- Other new or innovative methods.



7.2.1 Detention Basins

Detention basins are designed to reduce peak outflows through storing excess flows and controlling outflows with outlet control structures such as weirs and orifices. Detention facilities are typically designed to completely drain after all flows have been routed through following a rain event; however, they can also be designed to “stack” on top of water quality facilities such as retention/infiltration basins or wet basins. It is beyond the scope of this Manual to provide detailed design guidance, City specific requirements are listed below.

Specific Requirements

Setbacks - Facilities should be located such that they will not adversely affect existing infrastructure (e.g. utilities, structures, etc.). Facilities should be located such that access, maintenance, and operations needs are satisfied

Embankments and Basin Geometry - The maximum water depth at any time should not exceed 3-feet; however, depths greater than 3-feet may be allowed if approved by the Public Works Director or designee and fenced on all sides. Side slopes shall be no steeper than 3H:1V unless the area is fenced. Safety benches should be considered within larger ponds to provide a shallow area for people and animals that inadvertently enter the open water, to exit the basin. Points of inflow should be armored to prevent erosion. If the embankment falls under the jurisdiction of Montana DNRC, it must be designed to meet the applicable requirements.

Emergency Spillway - An emergency overflow spillway which is designed to safely pass the 100-year developed peak flow must be provided to allow overflow which may result from excessive inflow or clogging of the primary outlet. The spillway should be located such that overflows discharge into established drainage features such as open channels, swales, or other approved storage or conveyance features. The spillway should be protected from erosion with appropriate material. Large riprap is discouraged in favor of other materials.

Drawdown Time - Flow control facilities must be designed to release and/or infiltrate excess stormwater in a timely manner to ensure that the entire storage volume is available for subsequent storms and to minimize hazards; therefore, the water surface in the facility shall return to the pre-storm level within 72-hours after cessation of the 100-year storm event.

Fencing - If the facility will be an "attractive nuisance" or is not considered to be reasonably safe by the Director of Public Works or designee, it may need to be fenced and/or signed. A fence is required on facilities in which water depths exceed 3-feet.

Roof Storage - Roofs shall be structurally designed by a registered engineer for the added loads. Roof membranes, flashing, and penetrations shall be designed for the maximum possible water depth. The impact of snowmelt and ice shall be considered. The impact of improperly maintained drains and outlets shall be considered. Roof scuppers shall provide emergency relief if drains fail, as per the building code requirements.

Parking Lot Storage - The maximum allowable design depth in parking lots is 2 feet. Storm drain inlets with orifice flow controls shall be designed in conformance with the construction standards. Regular maintenance shall be provided by the property owner. Signs shall be posted warning the public that the parking lot is a storm drainage detention area.



Multi-Purpose Use - Detention facilities designed for multi-purpose use (sporting areas, neighborhood parks, play areas, picnic areas, etc.) are allowed. Multi-use amenities shall be anchored to prevent floatation. Runoff from more frequent storms shall be stored separately from the multi-purpose use areas. These separate storage areas should, at a minimum, be sized to store the WQV. The developer shall make arrangement for maintenance of such amenities unless such responsibility is accepted by the City. Inlets shall be designed such that all sediment larger than 0.20 inches in diameter is trapped on a concrete slab that can be cleaned with a front-end loader. Outlet structures shall be equipped with debris racks to remove all debris greater than 4 inches in width. Outlets shall be designed with a baffle system to prevent oil and floating debris from discharging to the downstream storm drain system.

Water Quality Treatment - Designing detention basins to serve the secondary benefit of water quality treatment is encouraged. Runoff generated from the water quality event shall be routed through a sediment trap, sediment forebay, or other appropriate water quality BMP prior to discharging to a flow control facility in order to facilitate removal of transported sediments and debris. If other potential pollutants such as oils, grease, or fuel (gasoline and diesel) could be present in the site runoff, it may be necessary to provide added measures to remove these contaminants.

Vegetation and Landscaping - The pond bottom and embankment slopes shall be sodded, seeded, or vegetated in accordance with construction management requirements, taking into account the current season and expected soil conditions throughout different locations within the facility. Unless a dryland grass or other drought tolerant plant material is proposed, irrigation shall be provided. The City's recommended seed mix specifications are provided in **Appendix E**. Plant selection should consider the native soil conditions and altered moisture conditions created by the stormwater facilities. Utilize plant species native to the area to the extent practicable. Floatable or erodible material (e.g., wood chips, straw mulch, etc.) shall not be used within flow control facilities. Vegetation on embankments should be limited to shallow rooted varieties.

Embankments and Basin Geometry - The 100-year water surface elevation shall be no less than one foot below the adjacent ground, window well, finished floor, top of foundation or any other entry point vulnerable to flooding for adjacent residential dwellings and public, commercial, and industrial buildings. The bottom of the basin shall be located 0.5 feet below the primary outlet to provide sediment storage. This sediment storage area should not be included in design volume calculations.

Groundwater - Groundwater levels must be considered in the design to ensure that sufficient capacity will be available in the basin. For standalone detention basins, the historic, seasonally-high water table level shall be a minimum of two feet below the bottom of basin to avoid saturated conditions which interfere with proper maintenance.

Ownership

All storm drainage facilities installed consistent with this Manual within City-owned land, shall upon acceptance by the Director of Public Works or designee, become the property of the City. The City shall maintain and operate all accepted public storm drainage facilities located within



City-owned land, City rights-of-way, and City easements. The Director of Public Works will not accept facilities which are not consistent with this Manual.

All storm drainage facilities installed on private property which are not city owned are to be privately owned and maintained per the provisions of the Maintenance Agreement. Access and/or maintenance easements may need to be granted for private ponds and stormwater facilities under shared or common ownership.

Maintenance Considerations

Ease of maintenance shall be a paramount consideration in the design and construction of all permanent stormwater management facilities. Maintenance access which accommodates the equipment necessary to perform maintenance shall be provided.

Facilities located on private land shall be maintained by the landowner, but are subject to inspection by the City. If the facility is not being properly maintained, the City will notify the landowner of the deficiencies. If the landowner does not perform the required maintenance, the City can impose fines in accordance with the OCCGF. The City can also perform the maintenance and charge the landowner the cost of said work.

7.2.2 Outlet Control Structures and Discharge Pipes

Outlet structures which control release rates are required for all stormwater detention basins. Common outflow control structures include orifices, weirs, and skimmers. Analysis and design of outlet structures involves multiple steps. These steps are well described and documented in resources such as Chapter 8 of HEC-22, which is suggested as a reference for outlet structure design.

Specific Requirements

Outlet structures and discharge pipes should be located such that stormwater runoff leaves the site in the same manner and location as it did in the pre-developed conditions. Screening should be provided to prevent blockage for orifices smaller than 6-inches in diameter. Anti-seep collars should be placed on outlet conduits through embankments. Install removable trash and safety racks at outlet orifices, pipes, and weirs where safety or debris issues are anticipated. Outlets and stilling basins shall be designed to prevent erosion.

7.2.3 Infiltration Basins

Infiltration/retention basins are designed to reduce peak flows through infiltration and/or permanent storage of excess flows. In some cases, these facilities may be allowed to infiltrate a majority of the excess runoff and discharge the remaining volume. Infiltration basins may also be used to meet water quality requirements through infiltration into the underlying soils.

Design Parameters

The City's minimum design considerations are provided within the following section; however, it is beyond the scope of this Manual to provide detailed stormwater infiltration facility design guidance. There are many applicable design guidance references and the City urges all designers to utilize and adhere to appropriate guidance.



Setbacks - The basin shall be located at least 200-feet from springs used for drinking water supply. The basin shall be located at least 100-feet from septic drain fields. The basin shall be located at least 100-feet from shallow water supply wells.

Water Quality Treatment - If the retention/infiltration basin is used in combination with a detention basin to control the quantity of runoff, the total draw-down time for the facility shall not exceed 72-hours. The retention/infiltration basin shall be protected from high sediment loads during construction and until site vegetation is established. The WQV shall be routed through a sediment trap, sediment forebay, or other appropriate runoff treatment facility, prior to discharging to the infiltration basin in order to facilitate removal of transported sediments and debris. If other potential pollutants such as oils, grease, or fuel (gasoline and diesel) could be present in the site runoff, it may also be necessary to provide added measures to remove these contaminants.

Groundwater - The depth to the historic, seasonal high groundwater table shall be at least 3 feet below the bottom of basin.

Limitations - Infiltration basins are not permitted where hydrogeological conditions exist that indicate the potential for infiltrated stormwater to impact on- or off-site facilities or structures and where potential impacts will not be confined to the project site. Infiltration/retention basins are not appropriate for use with tight clays or other soils with low infiltration rates or in areas with a shallow water table.



Chapter 8. Definitions

Best Management Practices (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, or structural features that prevent or reduce adverse impacts (soil erosion and pollutant transfer) to receiving waters. BMPs may be implemented either during construction or installed during construction for permanent use after site development is complete.

Common Plan of Development – For the purpose of this Manual, *Common Plan of Development* or *Common Plan of Development or Sale* means an area where multiple separate and distinct construction, development or redevelopment activities may take place at different times on different schedules under one ‘common plan.’ The ‘common plan’ is defined as an announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes surveyor marking, etc.) indicating construction, development or redevelopment activities may occur at a location or locations. A ‘common plan’ includes, but is not limited to, any application for any of the following City approvals inclusive of all utility, roadway, or right-of-way modifications or extensions, and any other appurtenances that must be install or modified in order to provide services or support the proposed construction site or finished development or redevelopment.

- Major subdivision plat approval.
- Minor subdivision plat approval.
- Boundary line adjustment and/or lot aggregations.
- Zoning change.
- Conditional use permit.
- Building permit.
- Planned unit development.

Erosion Control Ordinance – The relevant portions of the Official Code of the City of Great Falls including Title 13 Chapter 24 and Title 17 Chapters 48 and 52.

Final Stabilization – The time at which all soil-disturbing activities at a site have been completed and a vegetative cover has been established with a density of at least 70% of the pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed. Final stabilization using vegetation must be accomplished using seeding mixtures or forbs, grasses, and shrubs that are adapted to the conditions of the site. Establishment of a vegetative cover capable of providing erosion control equivalent to pre-existing conditions at the site will be considered final stabilization.

Flow Control – Type of BMP utilized to reduce the flow rate or volume of post-development runoff. These BMPs are also designed to reduce soil erosion downstream of a development.



Impervious Areas – Areas where precipitation infiltration is limited due to building roofs, roads, parking lots, sidewalks, bedrock, natural soil (clay), etc.

Low Impact Development – A method to control stormwater runoff at or near the source with a goal of mimicking natural, pre-developed stormwater runoff conditions in an urban location.

Post-development Conditions – Hydraulic or development conditions after a property is developed or redeveloped. This factors in the change in runoff coefficient due to increased impervious areas over pre-development conditions.

Pre-development Conditions – Hydraulic or development conditions prior to property development or redevelopment.

Redevelopment – Alterations of a property that change the “footprint” of a site or building in such a way that results in the disturbance of equal to or greater than one acre of land. The term is not intended to include such activities as exterior remodeling, which would not be expected to cause adverse stormwater quality impacts and offer no new opportunity for stormwater controls.

Runoff Treatment – Type of BMP utilized to remove or reduce pollutants within stormwater discharges.

Stormwater Pollution Prevention Plan (SWPPP) – A plan describing temporary best management practices to be implemented during construction to reduce stormwater impacts.

Water Quality Storm – 0.5 inches of rain in 24 hours. Runoff treatment BMPs are designed to treat runoff from this storm.



Appendix A. Permit Submittal Materials



Public Works Department
Environmental and
Engineering Divisions
1005 & 1025 25th Avenue NE
P.O. Box 5021
Great Falls, MT 59404
406-727-8390 – 406-771-1258

Agenda #15.

For Office Use Only:

Date Received: _____

Permit #: _____

STORMWATER MANAGEMENT PERMIT APPLICATION

(Complete all applicable items)

Project Information:

Site Address: _____

Description of Work: _____

Lot Number: _____ **Subdivision (if applicable):** _____

Project Classification:

- ☐ Residential Lot ☐ Commercial Property ☐ Subdivision
☐ City Contracted ☐ Business District Development/Redevelopment

Project Size:

Land Disturbance: _____ Impervious Surface Created or Altered: _____

Part of a larger common plan of development or sale that will disrupt more than one (1) acre? _____

Permit:

- ☐ Construction Site Erosion Control Permit \$XX.00 (under development)
☐ Post-Construction Stormwater Management Permit \$XX.00 (under development)

Contact Information:

APPLICANT: _____ Phone: _____ Fax: _____

Contact Name: _____ Email: _____

Mailing Address: _____ State _____ Zip Code _____

PROPERTY OWNER: _____ Phone: _____ Fax: _____

Mailing Address: _____ State _____ Zip Code _____

GENERAL CONTRACTOR: _____ Phone: _____ Fax: _____

Contact Name: _____ Email: _____

Mailing Address: _____ State _____ Zip Code _____

ENGINEER: _____ Phone: _____ Fax: _____

Contact Name: _____ Email: _____

Mailing Address: _____ State _____ Zip Code _____

Notes:

No land disturbance which exceeds City code thresholds is permitted on any project site without an approved City of Great Falls Construction Stormwater Management Permit

This permit is separate from any permits required by the Montana Department of Environmental Quality. A State Stormwater Construction Permit is required for all land disturbance activities equal to greater than one (1) acre or for land disturbance activities less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more.



Public Works Department
Environmental and
Engineering Divisions
1005 & 1025 25th Avenue NE
P.O. Box 5021
Great Falls, MT 59404
406-727-8390 – 406-771-1258

For Office Use Only:

Date Received: _____

Permit #: _____

Project Schedule

Start Date: _____ Completion Date: _____ Final Stabilization Date: _____

Waterbodies and Storm Conveyance Systems

Waterbodies within 200 feet of Project (Lakes, Rivers, Streams, Wetlands, Sloughs, etc.):

- | | |
|----------|----------|
| 1. _____ | 3. _____ |
| 2. _____ | 4. _____ |

Storm Conveyance Systems within 200 feet of Project (Storm Sewer, Ditches, Detention Facilities, etc.):

- | | |
|----------|----------|
| 1. _____ | 4. _____ |
| 2. _____ | 5. _____ |
| 3. _____ | 6. _____ |

Acknowledgement Certificate

I certify that I am the Owner or Owner's authorized agent. If acting as an authorized agent, I further certify that I am authorized to act as the Owners agent regarding the property at the above-referenced address for the purpose of filing applications for decisions, permits or review under the City of Great Falls Ordinance Title 13 Chapter 24 and Title 17 Chapters 48 and 52 and have full power and authority to perform on behalf of the Owner all acts required to enable the City to process and review such applications. I certify that the information on this application is true and correct and understand that I shall not start this project until this application is approved. I shall comply with the laws of the State of Montana and the ordinances of the City of Great Falls.

Signature of Legally Responsible Person _____

Date Signed _____

Name (Printed) _____

Title _____

For Office Use Only

Construction Site Erosion Control Permit

☐ Erosion Control Permit Checklist

☐ Erosion Control Plan/Map

☐ Narrative

☐ Payment - \$XX.XX (under development)

Stormwater Pollution and Prevention Plan (SWPPP)

☐ SWPPP/MT Stormwater Discharge Permit (NOI)

☐ Payment - \$XX.XX (under development)

Post-Construction Stormwater Management Permit

☐ Checklist (under development)

☐ Drainage Plan/Map (usually contained in the Report)

☐ Stormwater Management Plan Drainage Report

☐ Digital Copy of SWMM Model (If Applicable)

☐ Geotechnical Report / Soils Info (If Applicable)

☐ Maintenance Agreement (w/ maint. items and O&M)

☐ Environmental Payment - \$XX (under development)

☐ Engineering Payment - \$XX (under development)

By _____ **Date** _____

Site Visit: _____

Approval: _____

Comments:



Public Works Department
Environmental Division
1025 25th Avenue NE
P.O. Box 5021
Great Falls, MT 59404
406-727-8390

Agenda #15.

For Office Use Only:

Date Received: _____

Permit #: _____

EROSION CONTROL PERMIT CHECKLIST

(Complete all applicable items)

Project Information:		
Site Address: _____		
Description of Work: _____		
Lot Number: _____ Subdivision (if applicable): _____		
General Submittal Components		
Component	Complete	Comment
Erosion Control Permit Application	<input type="checkbox"/> Yes	
Design Waivers or Variances (if Applicable)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Construction Stormwater Management Site Plan		
Requirement	Addressed	Comment
Project name (e.g., subdivision name)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Developer and landowner name if different	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Preparation date	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Name of preparer	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
North arrow	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Graphic scale	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Legal description	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Municipal boundaries	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Property boundaries (bearings, lengths, curve data)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Easements/rights-of-ways (location, width, purpose, ownership)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Dedication for public use (boundaries, area, purpose)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
No build/alteration zones	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
No ingress/egress zones	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Adjacent land uses within 150' of subject parcel	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Roads (names, ownership, etc)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Driveways and road access onto public and private roads	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Requirement	Addressed	Comment
Sidewalks / trails	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and proposed buildings/structures within 150' of project area	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Fences, buffers, and berms	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Pervious and impervious surface by type	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and Proposed Utilities (type & location)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and Proposed Permanent Stormwater Facilities	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Irrigation canals including diversion point(s), etc.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Wetlands	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing vegetation (including woodlands)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Wildlife habitat, including critical wildlife habitat	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Environmentally sensitive features	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Water resources (rivers, ponds, etc.) within 200' of project area	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Floodplains	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Ground contours when the average slopes exceed 10 percent	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and Proposed Construction Stormwater Management BMPs	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Limits of clearing and grading	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and proposed site topography	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing and proposed runoff direction	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Protection of waterways, receiving surface waters and natural resources	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Stockpile locations, staging areas and access points defined	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Construction Stormwater Management Plan is phased with construction	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Erosion and Sediment Control Requirements		
Erosion and sediment control BMPs are designed and specified to:		
Control stormwater volume and velocity within the site to minimize soil erosion through use of controls such as check dams, fiber rolls, etc.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion through use of controls such as stilling basins, fiber rolls, etc.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Minimize the amount of soil exposed during construction activity	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Requirement	Addressed	Comment
Minimize the disturbance of steep slopes	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Minimize sediment discharges from the site through use of perimeter controls such as silt fence, fiber rolls, diversion berms, etc.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Minimize soil compaction and, unless infeasible, preserve topsoil	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Soil Stabilization Requirements		
The following soil stabilization requirements are clearly communicated:		
Stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days <i>Identify where this is communicated within the comment box (e.g. Site Plan, Page ___ of SWPPP, etc.)</i>	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
If initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be specified	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Pollution Prevention Measures		
Pollution prevention measures are specified to:		
Specify treatment of wash waters in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Prohibited Discharges		
Wastewater from washout of concrete is prohibited or managed by appropriate controls <i>Identify where this is communicated within the comment box</i>	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
A statement (or statements) prohibits discharges of the following: <i>Identify where these requirements are communicated within the comment box</i>		
Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Soaps or solvents used in vehicle and equipment washing	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Dewatering Requirements

Requirement	Addressed	Comment
If applicable, discharges from dewatering activities are managed by appropriate controls such as sedimentation basins, sediment traps, etc. <i>Note: This does not preclude the contractor from the requirement to obtain a dewatering permit from MT DEQ.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Surface Outlets

Requirement	Addressed	Comment
When discharging from basins and impoundments, outlet structures that withdraw water from the surface are used (unless infeasible)	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Stormwater Pollution Prevention Plan Requirements

For sites not subject to the Montana DEQ Construction General Permit.

Sites subject to the Montana DEQ Construction General Permit shall submit a SWPPP consistent with the Montana DEQ Construction General Permit Requirements.

Requirement	Addressed	Comment
Description of project activity	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Total disturbed area	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Existing impervious area	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
List surface waters and storm conveyance systems within 200' of project	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Description of outfall and receiving surface waters	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Description of site soil	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Description of watershed tributary to site	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	
Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.	<input type="checkbox"/> Yes <input type="checkbox"/> NA	

Certified By: _____

Date: _____

Signature: _____

DATE RECEIVED _____

**CITY OF GREAT FALLS
PUBLIC WORKS DEPARTMENT
CONSTRUCTION EROSION CONTROL PERMIT PLAN REVIEW CHECKLIST**

NAME OF PROJECT	PROJECT FILE NO.	ADDRESS
TOTAL PROJECT ACRES	TOTAL DISTURBED ACRES	
Latitude: _____	Longitude: _____	
GPS LOCATION OF CONSTRUCTION SITE		
APPLICANT	ADDRESS	PHONE NUMBER
OWNER (If different from Applicant)	ADDRESS	PHONE NUMBER

Review History

First Review

Plan Received on: _____	Approved/Denied: _____
Review Completed on: _____	Comments: _____
Reviewed by: _____	_____

Second Review

Plan Received on: _____	Approved/Denied: _____
Review Completed on: _____	Comments: _____
Reviewed by: _____	_____

Third Review

Plan Received on: _____	Approved/Denied: _____
Review Completed on: _____	Comments: _____
Reviewed by: _____	_____

REPORT OF TECHNICAL REVIEW

_____ The Construction Stormwater Management Plan for the above named project or activity **includes** the necessary components identified within the attached checklist.

_____ The Construction Stormwater Management Plan for the above named project or activity **does not include** the necessary components identified within the attached checklist through failure to include the following:

Review by: _____

Signature: _____

Date: _____

Project Name: _____

Applicant: _____

	Complete	Incomplete	N/A
General Information			
1. Describe the project location (address, parcel number, etc...)			
a. Description of project activity			
2. Areas (ac)			
a. Total disturbed area			
b. Existing impervious area			
3. Construction schedule/sequence			
4. Identify site features			
a. Limits of improvements relative to neighbors or a Vicinity Map			
b. Limits of clearing and grading			
c. Existing vegetation delineated			
d. Existing and proposed site topography			
e. Existing and proposed runoff direction			
f. Surface waters and storm conveyance systems within 200' of project			
g. Description of outfall and receiving surface waters			
h. Protection of waterways, receiving surface waters and natural resources			
i. Construction Stormwater Management Plan is phased with construction			
j. Stockpile locations, staging areas and access points defined			
k. Show all areas of construction, including but not limited to: structures, retaining walls, roads, drives, utilities, trenches, scaffolds, catch basins, etc.			
l. Description of site soil			
m. Description of watershed tributary to site			
5. Maintenance Plan for Control Facilities			
6. Copies of Design Waivers or Variances			
7. Copy of NOI and SWPPP as submitted to DEQ, if applicable			
Erosion and Sediment Controls			
1. Design considerations and erosion control BMPs are specified to:			
a. Control stormwater volume and velocity within the site to minimize soil erosion through use of controls such as check dams, fiber rolls, etc.			
b. Control stormwater discharges, including both peak flowrates and total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and streambank erosion through use of controls such as stilling basins, fiber rolls, etc.			
c. Minimize the amount of soil exposed during construction activity			
d. Minimize the disturbance of steep slopes			

Project Name: _____

Applicant: _____

	Complete	Incomplete	N/A
Erosion and Sediment Controls (cont.)			
e. Minimize sediment discharges from the site through use of perimeter controls such as silt fence, fiber rolls, diversion berms, etc.			
f. Provide and maintain natural buffers around surface waters, direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration, unless infeasible			
g. Minimize soil compaction and, unless infeasible, preserve topsoil			
Soil Stabilization			
1. The following soil stabilization requirements are clearly communicated:			
a. Stabilization of disturbed areas must be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days			
b. If initiating vegetative stabilization measures immediately is infeasible, alternative stabilization measures must be specified			
Dewatering			
1. If applicable, discharges from dewatering activities are managed by appropriate controls such as sedimentation basins, sediment traps, etc. <i>Note: This does not preclude the contractor from the requirement to obtain a dewatering permit from MT DEQ.</i>			
Pollution Prevention Measures			
1. Pollution prevention measures are specified to:			
a. Specify treatment of wash waters in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge			
b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and to storm water			
c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures			
Prohibited Discharges			
1. Wastewater from washout of concrete is prohibited or managed by appropriate controls			
2. A statement (or statements) which prohibit discharges of the following:			
a. Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials			
b. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance			
c. Soaps or solvents used in vehicle and equipment washing			
Surface Outlets			
1. When discharging from basins and impoundments, outlet structures that withdraw water from the surface are used (unless infeasible)			

DATE RECEIVED _____

**CITY OF GREAT FALLS
PUBLIC WORKS DEPARTMENT
POST-CONSTRUCTION STORMWATER MANAGEMENT
PLAN REVIEW CHECKLIST**

NAME OF PROJECT	PROJECT FILE NO.	ADDRESS
TOTAL PROJECT ACRES	TOTAL DISTURBED ACRES	
Latitude: _____	Longitude: _____	
GPS LOCATION OF CONSTRUCTION SITE		
APPLICANT	ADDRESS	PHONE NUMBER
OWNER (If different from Applicant)	ADDRESS	PHONE NUMBER

Review History

First Review

Plan Received on: _____ Approved/Denied: _____
 Review Completed on: _____ Comments: _____
 Reviewed by: _____

Second Review

Plan Received on: _____ Approved/Denied: _____
 Review Completed on: _____ Comments: _____
 Reviewed by: _____

Third Review

Plan Received on: _____ Approved/Denied: _____
 Review Completed on: _____ Comments: _____
 Reviewed by: _____

REPORT OF TECHNICAL REVIEW

_____ The Stormwater Management Plan for the above named project or activity **includes** the necessary post-construction controls in order to comply with the State and local post-construction stormwater requirements (as identified within the attached checklist).

_____ The Stormwater Management Plan for the above named project or activity **does not include** the necessary post-construction controls in order to comply with the State and local post-construction stormwater requirements (as identified within the attached checklist) through failure to include the following:

Review by: _____

Signature: _____

Date: _____

Project Name: _____

Applicant: _____

	Complete	Incomplete	N/A
General Information			
1. Location			
a. Address, subdivision name, legal description, etc...			
2. Type of development (residential, commercial, etc...)			
3. Areas (ac)			
a. Total disturbed area			
b. Existing impervious area			
c. Post-development impervious area			
4. Drainage basin maps are provided which clearly label the following:			
a. Existing basin boundaries			
b. Existing time of concentration flowpaths for each basin			
c. Post-development basin boundaries			
d. Post-development time of concentration flowpaths for each basin			
e. Discharge location(s)			
f. Receiving waters within 200 feet of project are identified			
5. Montana Licensed Engineer Stamp			
Drainage Plan Content			
1. Topographic map of existing and finished grade contours at 2-foot max intervals			
2. Arrows indicating the direction of flow			
3. Location of each permanent stormwater control			
4. Plan and profile of each permanent stormwater control			
5. Invert elevations, slopes, and lengths of storm drain facilities			
6. Size, types, invert elevations and lengths of all culverts and pipe systems			
7. Discharge points clearly labeled			
8. Receiving surface waters identified			
9. Existing on-site natural resources identified and protected			
10. Jurisdictional waterways, FEMA floodplains identified			
Calculations and Design Documentation			
1. Hydrology calculations			
a. State runoff method used (rational, SWMM, etc...)			
b. State modeling constants and assumptions			
c. Description of design storms (frequency, depth, duration)			
d. Existing and post-development land uses			

Project Name: _____

Applicant: _____

	Complete	Incomplete	N/A
Calculations and Design Documentation (Continued)			
e. Existing and post-development peak runoff rate for each applicable design storm			
f. Existing and post-development runoff volume for each applicable design storm			
2. Post-construction BMP sizing calculations			
a. State design requirements (0.5-inch requirement, TSS removal, or other)			
b. Required permanent controls capacities, flow rates, and operating levels			
c. Sizing calculations with results			
d. A statement documenting compliance with design requirements (Appendix C)			
e. If 0.5-inch or TSS removal requirements are not met, provide documentation showing the impracticability of infiltration, evapotranspiration, capture for reuse, and treatment.			
3. Culvert and pipe system capacities and outlet velocities			
4. Ditch capacities and velocities			
Additional Information			
1. Permits, easements, setbacks, and discharge agreements			
2. Floodplain maps			
3. Operations and Maintenance Manual for each permanent stormwater control			
a. Identify the owner			
b. Identify the party responsible for long-term O&M			
c. A schedule of inspection and maintenance for routine and non-routine maintenance tasks to be conducted			
d. System failure and replacement criteria to define the structure's performance requirements			
4. Soils information, Geotechnical Report, Percolation Test Report, or Hydrogeological Report			



Appendix B. Drainage Report Requirements and Example Calculations

Drainage Report Requirements

The Drainage Report shall contain the information and calculations supporting the design of the storm drainage system detailed in the engineering drawings. Such information and calculations shall be presented in a neat and orderly fashion to facilitate review. Such information shall meet the criteria of the Post-Construction Stormwater Permit Design Review Checklist (Appendix A). The report shall be prepared by a licensed professional engineer, an example certification statement is included in Appendix C.

The report shall include an analysis of the area under consideration in reference to the land use, historical and developed conditions, existing topography, contributing runoff from upstream areas, control easements or features, permanent erosion and sedimentation control measures and facilities, and continuity with the existing drainage patterns and any relevant storm drainage area master plans. Natural drainage ways are to be used whenever possible.

The report shall contain the hydrologic analysis including areas, storm frequencies, rainfall intensities, runoff coefficients, times of concentration, adjustments for infrequent storms, and all runoff computations.

Calculations of street flows for both initial and major storms shall be provided with regard to street encroachments, theoretical capacities and allowable gutter flows. The report shall include the calculations for sizing of storm sewer systems, including inlets, culverts and open channels.

All calculations, mass diagrams, and/or hydrographs required to size the detention facility and determine its discharge shall also be included. Infiltration systems shall include soils information and shall consider groundwater. Calculations for specific detention time shall be provided if required by the City Engineer.

All drainage reports shall include a cover indicating the date, the name of the project or subdivision, the engineer designing the system, a statement of compliance with the storm drainage design criteria, and shall be stamped and signed by a Montana licensed professional engineer.

EXAMPLE CALCULATION - STORAGE VOLUME REQUIRED BY USE OF THE RATIONAL METHOD**DEVELOPMENT: EXAMPLE****STORM DRAINAGE CALCULATION BY:****DATE:****ALLOWABLE DISCHARGE FOR 5 YEAR POST DEVELOPED CONDITION**

	Total Area	Undetained Area	
	5-Yr	100-Yr	
A =	0.85	0.1	Acres
T _c =	7	5	Min
C _{avg} =	0.7	0.4	
C _t =	1	1.25	
I =	2.6	6	
Q = (C _t)(C)(I)(A) =	1.55	0.30	cfs

Allowable Orifice Discharge = 1.55 cfs - 0.30 cfs = 1.25 cfs

Land Use					Commercial					
Total Area (Ac)					0.85					
Composite Runoff Factor					0.70					
Adjusted Runoff Factor Using 1.25 Frequency Factor					0.875					
Allowable Orifice Discharge (cfs)					1.25					
Maximum Storage Capacity (cu ft)					2,001 Iterate until overflow rate is 0					
Time (Min)	5-Yr 2-Hr Intensity (in/hr)	5-Yr 2-Hr Runoff Rate (cfs)	100-Yr 2-Hr Intensity (in/hr)	100-Yr 2-Hr Runoff Inflow (cfs)	* Outflow Rate (cfs)	5 Min Volume Required (cf)	Volume Accumulated (cf)	Volume Provided (cf)	Overflow Rate (cfs)	Volume Stored (cf)
5	0.04	0.02	0.08	0.06	0.02	12	12	2,001	0.00	12
10	0.17	0.10	0.24	0.18	0.09	27	39	2,001	0.00	39
15	2.90	1.73	6.10	4.54	0.17	1311	1,350	2,001	0.00	1,350
20	1.50	0.89	2.90	2.16	0.98	354	1,704	2,001	0.00	1,704
25	1.19	0.71	2.41	1.79	1.10	207	1,911	2,001	0.00	1,911
30	0.97	0.58	1.98	1.47	1.17	90	2,001	2,001	0.00	2,001
35	0.76	0.45	1.57	1.17	1.19	-6	1,995	2,001	0.00	1,995
40	0.61	0.36	1.30	0.97	1.19	-66	1,929	2,001	0.00	1,929
45	0.49	0.29	1.01	0.75	1.17	-126	1,803	2,001	0.00	1,803
50	0.42	0.25	0.84	0.62	1.13	-153	1,650	2,001	0.00	1,650
55	0.36	0.21	0.71	0.53	1.08	-165	1,485	2,001	0.00	1,485
60	0.32	0.19	0.59	0.44	1.03	-177	1,308	2,001	0.00	1,308
65	0.28	0.17	0.52	0.39	0.97	-174	1,134	2,001	0.00	1,134
70	0.24	0.14	0.44	0.33	0.90	-171	963	2,001	0.00	963
75	0.23	0.14	0.37	0.28	0.83	-165	798	2,001	0.00	798
80	0.20	0.12	0.32	0.24	0.75	-153	645	2,001	0.00	645
85	0.19	0.11	0.28	0.21	0.68	-141	504	2,001	0.00	504
90	0.17	0.10	0.25	0.19	0.60	-123	381	2,001	0.00	381
95	0.14	0.08	0.24	0.18	0.52	-102	279	2,001	0.00	279
100	0.13	0.08	0.23	0.17	0.45	-84	195	2,001	0.00	195
105	0.11	0.07	0.22	0.16	0.37	-63	132	2,001	0.00	132
110	0.08	0.05	0.20	0.15	0.31	-48	84	2,001	0.00	84
115	0.07	0.04	0.19	0.14	0.24	-30	54	2,001	0.00	54
120	0.06	0.04	0.18	0.13	0.20	-21	33	2,001	0.00	33
125		0.00	0.00	0.00	0.15	-45	0	2,001	0.00	0
Volume Required					2,001					

*Head computed by multiplying the maximum head times the proportion of the incremental volume accumulated to the total volume

*OUTFLOW RATES BASED ON CIRCULAR ORIFICE $Q = C \cdot A \cdot (2GH)^{1/2}$

HEAD (FT)	RADIUS (IN)	AREA (SF)	OUTFLOW (CFS)
1.50	3.00	0.196	1.194
1.40	3.00	0.196	1.154
1.30	3.00	0.196	1.112
1.20	3.00	0.196	1.068
1.10	3.00	0.196	1.023
1.00	3.00	0.196	0.975
0.90	3.00	0.196	0.925
0.70	3.00	0.196	0.816
0.50	3.00	0.196	0.690
0.30	3.00	0.196	0.534
0.20	3.00	0.196	0.436
0.10	3.00	0.196	0.308
0.00	3.00	0.196	0.000

MAXIMUM
HEAD (FT)
1.50ORIFICE
AREA (SF)
0.196

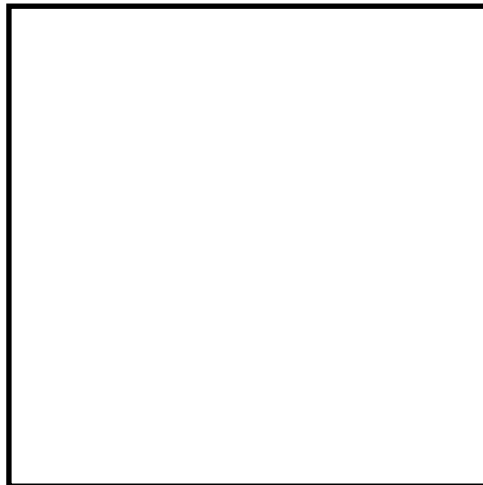
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Appendix C. Templates

EXAMPLE CERTIFICATION

I hereby state that this Drainage Report has been prepared by me or under my supervision and meets the standard of care and expertise which is usual and customary in this community of professional engineers. The analysis has been prepared utilizing procedures and practices specified by the City of Great Falls and within the standard accepted practices.



PE STAMP OR SEAL

Signature

Date

MAINTENANCE AGREEMENT FOR _____ PRIVATE STORMWATER SYSTEMS

This Maintenance Agreement made and entered into by and between [NAME OF GRANTOR], hereinafter referred to as "GRANTOR," and the CITY OF GREAT FALLS, hereinafter referred to as the "CITY."

WITNESSETH

WHEREAS, the CITY is authorized and required to regulate and control disposition of storm and surface waters within the CITY OF GREAT FALLS as set forth by CITY ordinances; and

WHEREAS, the GRANTOR is the owner of a certain tract or parcels of land hereafter referred to as "the property," more particularly described as ONE PARCEL LOCATED IN THE XX OF SECTION XX, T XX N, R X E, PM MT, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA. All those certain lots, pieces or parcels of land, together with buildings and improvements thereon, and the appurtenances thereunto belonging, lying, situated and being in the CITY of GREAT FALLS as shown on [COS FILING #XXXX], duly recorded in the Cascade County Clerk & Recorder's Office in Deed Book or Plat Book [number] at page [number] reference to which the plat is hereby made for a more particular description thereof.

WHEREAS, the GRANTOR desires to construct certain improvements on the property which will alter existing storm and surface water conditions on the property and adjacent lands; and

WHEREAS, in order to accommodate and regulate these anticipated changes in existing storm and surface water flow conditions, the GRANTOR, its heirs and assigns, desire to build and maintain at their expense a storm and surface water management facility and system. This is shown on the following plans:

*Figure name/Figure number, date on figure
Figure name/Figure number, date on figure; and*

WHEREAS, the CITY has reviewed and approved these plans subject to the execution of this agreement;

NOW THEREFORE, in consideration of the benefit received by the GRANTOR, its heirs and assigns, and as a result of the CITY approval of its plans, the GRANTOR, its heirs and assigns, with full authority to execute deeds, deeds of trust, other covenants and all rights, title and interest in the property described above hereby covenant with the CITY as follows:

1. GRANTOR, its heirs and assigns shall construct and perpetually maintain, at its sole expense, the storm drainage facility and system in strict accordance with the plan approval granted by the CITY. The storm drainage facility and system referred to throughout this document consists of (list and/or describe the components of the on-site storm drainage facility).
2. Under this Agreement, the CITY will perform inspections of the property and improvements and provide approvals or Certificates of Occupancy. Providing a substantive review of the plans, property and/or improvements, is only performing a general public duty and does not assume a specific duty to GRANTOR or third parties. The CITY's review, approvals, and/or inspections are not an endorsement of the plan or construction. GRANTOR is exclusively responsible for ensuring that its plans and construction comply with applicable regulations and/or laws. GRANTOR must rely on its own experts as to the sufficiency of the development or individual properties therein. Neither the GRANTOR nor any third party may rely upon the CITY's limited review or approval anticipated herein.
3. "Record" drawings of the storm drainage facility and system shall be supplied to the City of Great Falls Environmental Division upon completion of the construction, whether or not changes to the original plan documents are made. "Record" drawings shall be delivered to:

Environmental Division
 C/O Public Works Department
 PO Box 5021
 Great Falls, MT 59403

4. GRANTOR, its heirs and assigns shall, at its sole expense, make such changes or modifications to the storm drainage facility and system. Changes or modifications may, in the CITY'S discretion, be determined necessary to ensure that the facility and system are properly maintained and continues to operate as designed and approved.
5. The CITY, its agents, employees and contractors shall have the perpetual right of ingress and egress over the property of the GRANTOR, its heirs assigns, and the right to inspect at reasonable times and in a reasonable manner, the storm drainage facility and system. Inspection is in order to insure that the system is being properly maintained and is continuing to perform in an adequate manner. Attachment A (**TITLE OF ATTACHED O & M PLAN/MANUAL**) to this agreement provides a list of items to be inspected by the CITY.
6. The GRANTOR, its heirs and assigns agree that should it fail to correct any defects in the above described facility and system within fifteen (15) days from issuance of written notice, or shall fail to maintain the facility in accordance with the approved design standards and in accordance with the law and applicable regulations, or in the event of an emergency as determined by the CITY in its sole discretion, the CITY is authorized to enter the property to make all repairs, and to perform all maintenance, construction and reconstruction the CITY deems necessary. The CITY shall assess the GRANTOR, its heirs or assigns for the cost of the work, both direct and indirect, and applicable penalties. Said assessment shall be a lien against all properties described within this Maintenance Agreement and may be placed on the property tax bills of said properties and collected as ordinary taxes by the CITY.
7. The GRANTOR warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including but not limited to flooding and expansive soils, that may affect the installation of improvements on the site and that the plans submitted account for all such conditions. The GRANTOR indemnifies, defends, and holds the CITY harmless for natural conditions and for any faults in its own assessment of those conditions.
8. GRANTOR indemnifies, defends, releases and holds harmless the City, and its officials, officers, agents, servants and employees, against any loss or damage to property or any injury to or death of any person arising out of or resulting from the construction, installation, operation, ownership or maintenance of the project or which is proximately caused by the Owner, its agents, officers and/or assigns; provided that the indemnity shall not apply if and to the extent such loss or damage is caused by the gross negligence or willful misconduct of the City, its agents or employees.
9. GRANTOR agrees to not transfer or assign responsibility under this agreement without the CITY's express written consent, which shall not be unreasonably withheld. The GRANTOR shall provide the CITY written notice of any intent to sell, assign, or transfer all or a portion of the Property in advance of such action. Notification shall be provided to:

Environmental Division
 C/O Public Works Department
 PO Box 5021
 Great Falls, MT 59403

10. The provisions of this Agreement shall be severable and if any phase, clause, sentence or provision is declared unconstitutional, or the applicability of the GRANTOR, its heirs and assigns is held invalid, the remainder of this Covenant shall not be affected thereby.

11. *Default.* The GRANTOR acknowledges that default under this agreement (as described below) may cause the CITY to rescind the CITY's approval to the GRANTOR to discharge storm water from the facility to the MS-4; as well as, cause the CITY to exercise other rights (also described below):
- A. *Cures Taking More than Thirty Days.* No party shall be in default under this Agreement unless it has failed to perform, as required under this Agreement, for a period of thirty (30) days after written notice of default from the other party. Each notice of default shall specify the nature of the alleged default, and the manner in which the default may necessarily be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured within the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure.
 - B. *Rights of the CITY.* The GRANTOR acknowledges that failure to install the [storm drainage facility and system] identified in this Agreement, in accordance with the approved plans, is a breach and may void this Agreement, if the GRANTOR fails to cure consistent with this Agreement. In the event that the CITY is not in default under this Agreement, the CITY shall have all rights and remedies provided by law or equity, including but not limited to those provided in the OCCGF (including penalties) and specific performance.
 - C. *No Third-Party Beneficiaries.* This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors and assigns. No other person shall have any right of action based upon any provision of this Agreement.
12. *Covenants Running with the Land, Easements.* This Agreement and the approvals by the CITY, on which it is based, run with the land and bind the present GRANTOR's, 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, and to conform to the provisions, covenants and terms of this Agreement. This Agreement applies to any party to whom that land is conveyed by any means, in whole or in part, and is binding on them, as if they were the GRANTOR who has signed below. To the extent that the improvements are to be located on the private property, the GRANTOR will grant to the CITY from time to time such easements, rights-of-way and similar licenses the CITY may reasonably request.
13. This Agreement shall be recorded at the Clerk & Recorder's Office of CASCADE COUNTY at the GRANTOR's expense.
14. The CITY's designated contact with GRANTOR is _____, phone number: _____ mailing address: _____. GRANTOR may change its point of contact by giving the CITY fifteen (15) days written notice of the change, as provided herein.
15. In the event that the CITY shall determine its sole discretion at any future time that the facility is no longer required, then the CITY shall at the request of the GRANTOR, its heirs and assigns execute a release of this Maintenance Agreement, which the GRANTOR, its heirs and assigns shall record, in the Clerk & Recorder's Office of CASCADE COUNTY at its expense.
16. The provisions, covenants and terms of this Agreement shall run with the land.
17. The failure to enforce any particular provision of this Agreement on any particular occasion shall not be deemed a waiver by any party of any of its rights hereunder, nor shall it be deemed to be a waiver of subsequent or continuing breaches of that provision, unless such a waiver be expressed in a writing by the party to be bound.

18. *Specific Performance.* The parties specifically agree that damages may not be an adequate remedy for breach of this Agreement, and that the parties are entitled to compel specific performance of all material terms of this Agreement by any party in default hereof, in addition to any other legal remedies.

19. The Agreement represents the entire agreement of the parties with respect to the subject matter thereof. There are no other agreements, oral or written, except as expressly set forth herein and this Agreement supersedes all previous agreements, oral and written.

20. This Agreement may be executed in counterparts, each of which shall be deemed an original.

IN WITNESS THEREOF, the GRANTOR and CITY have caused this Agreement to be executed and intend to be legally bound thereby as of the later of the dates set forth below.

[GRANTOR]

By _____

Print Name: _____

Print Title: _____

Date: _____

State of Montana

County of _____

This instrument was signed before me on

NOTARIAL SEAL

_____ by
Date

Print name of signer(s)

Notary Signature

City of Great Falls, Montana

By _____
Gregory T. Doyon, City Manager

Date: _____

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

APPROVED AS TO FORM

By _____

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.



Appendix D. Additional Hydrology Information

Table D1: Manning's Roughness Coefficient for Overland Sheet Flow

Surface Description	n
Smooth asphalt	0.011
Smooth concrete	0.012
Ordinary concrete lining	0.013
Good wood	0.014
Brick with cement mortar	0.014
Vitrified clay	0.015
Cast iron	0.015
Corrugated metal pipe	0.024
Cement rubble surface	0.024
Fallow (no residue)	0.05
Cultivated soils	
Residue cover < 20%	0.06
Residue cover > 20%	0.17
Range (natural)	0.13
Grass	
Short grass prairie	0.15
Dense grasses	0.24
Bermuda grass	0.41
Woods*	
Light underbrush	0.40
Dense underbrush	0.80
*When selecting n, consider cover to a height of about 30 mm. This is only part of the plant cover that will obstruct sheet flow.	

Source: FHWA HEC-22, Table 3-2

Table D2: Intercept Coefficients for Velocity vs. Slope Relationship

Land Cover/Flow Regime	k
Forest with heavy ground litter; hay meadow (overland flow)	0.076
Trash fallow or minimum tillage cultivation; contour or strip cropped; woodland (overland flow)	0.152
Short grass pasture (overland flow)	0.213
Cultivated straight row (overland flow)	0.274
Nearly bare and untilled (overland flow); alluvial fans in western mountain regions	0.305
Grassed waterway (shallow concentrated flow)	0.457
Unpaved (shallow concentrated flow)	0.491
Paved area (shallow concentrated flow); small upland gullies	0.619

Source: FHWA HEC-22, Table 3-3

Table D3: Manning's Coefficient (n) for Pipes

Conduit Material	Manning's n*
Concrete Pipe	0.013
CMP	0.025
Plastic pipe (smooth)	0.010
Pavement/gutter sections	0.016

Table D4: 2-Hour Design Storm Rainfall Distribution

2 Year – 2 Hour Storm			5 Year – 2 Hour Storm		
5-Minute Time Increment	Rainfall (Inches/5 Min.)	Rainfall Intensity (Inches/Hr)	5-Minute Time Increment	Rainfall (Inches/5 Min.)	Rainfall Intensity (Inches/Hr)
1	0.003	0.04	1	0.003	0.04
2	0.020	0.24	2	0.014	0.17
3	0.183	2.20	3	0.242	2.90
4	0.092	1.10	4	0.125	1.50
5	0.071	0.85	5	0.099	1.19
6	0.057	0.68	6	0.081	0.97
7	0.045	0.54	7	0.063	0.76
8	0.037	0.44	8	0.051	0.61
9	0.028	0.34	9	0.041	0.49
10	0.023	0.28	10	0.035	0.42
11	0.018	0.22	11	0.030	0.36
12	0.017	0.20	12	0.027	0.32
13	0.016	0.19	13	0.023	0.28
14	0.015	0.18	14	0.020	0.24
15	0.014	0.17	15	0.019	0.23
16	0.013	0.16	16	0.017	0.20
17	0.012	0.14	17	0.016	0.19
18	0.011	0.13	18	0.014	0.17
19	0.010	0.12	19	0.012	0.14
20	0.009	0.11	20	0.011	0.13
21	0.008	0.10	21	0.009	0.11
22	0.007	0.08	22	0.007	0.08
23	0.006	0.07	23	0.006	0.07
24	0.005	0.06	24	0.005	0.06
Total	0.720 Inches		Total	0.970 Inches	

Table D4: 2-Hour Design Storm Rainfall Distribution (continued)

10 Year – 2 Hour Storm			100 Year – 2 Hour Storm		
5-Minute Time Increment	Rainfall (Inches/5 Min.)	Rainfall Intensity (Inches/Hr)	5-Minute Time Increment	Rainfall (Inches/5 Min.)	Rainfall Intensity (Inches/Hr)
1	0.004	0.05	1	0.007	0.08
2	0.028	0.34	2	0.020	0.24
3	0.308	3.70	3	0.508	6.10
4	0.159	1.91	4	0.242	2.90
5	0.121	1.45	5	0.201	2.41
6	0.083	1.00	6	0.165	1.98
7	0.074	0.89	7	0.131	1.57
8	0.060	0.72	8	0.108	1.30
9	0.050	0.60	9	0.084	1.01
10	0.042	0.50	10	0.070	0.84
11	0.034	0.41	11	0.059	0.71
12	0.031	0.37	12	0.049	0.59
13	0.028	0.34	13	0.043	0.52
14	0.025	0.30	14	0.037	0.44
15	0.021	0.25	15	0.031	0.37
16	0.019	0.23	16	0.027	0.32
17	0.017	0.20	17	0.023	0.28
18	0.015	0.18	18	0.021	0.25
19	0.013	0.16	19	0.020	0.24
20	0.011	0.13	20	0.019	0.23
21	0.009	0.11	21	0.018	0.22
22	0.007	0.08	22	0.017	0.20
23	0.006	0.07	23	0.016	0.19
24	0.005	0.06	24	0.015	0.18
Total	1.170 Inches		Total	1.931 Inches	

Table D5: 24-Hour Design Storm Rainfall Data

Hour	Incremental Rainfall (inches)					
	2yr-24hr	5yr-24hr	10yr-24hr	25yr-24hr	50yr-24hr	100yr-24hr
1	0.01	0.03	0.02	0.02	0.03	0.01
2	0.01	0.08	0.08	0.08	0.21	0.11
3	0.02	0.04	0.02	0.10	0.23	0.18
4	0.05	0.07	0.09	0.06	0.10	0.12
5	0.07	0.01	0.18	0.12	0.06	0.06
6	0.06	0.16	0.16	0.14	0.07	0.08
7	0.02	0.18	0.17	0.13	0.13	0.15
8	0.06	0.25	0.13	0.21	0.20	0.22
9	0.09	0.22	0.15	0.16	0.11	0.13
10	0.04	0.33	0.24	0.18	0.02	0.03
11	0.13	0.14	0.16	0.14	0.08	0.14
12	0.18	0.19	0.12	0.24	0.12	0.12
13	0.20	0.11	0.15	0.16	0.17	0.19
14	0.15	0.02	0.13	0.30	0.09	0.11
15	0.13	0.04	0.11	0.18	0.35	0.34
16	0.09	0.05	0.20	0.20	0.17	0.16
17	0.08	0.05	0.12	0.14	0.06	0.20
18	0.04	0.04	0.13	0.19	0.15	0.75
19	0.06	0.03	0.07	0.11	0.50	0.55
20	0.05	0.06	0.05	0.20	0.70	0.15
21	0.02	0.02	0.03	0.06	0.06	0.06
22	0.05	0.03	0.04	0.04	0.01	0.08
23	0.06	0.01	0.06	0.03	0.02	0.09
24	0.03	0.04	0.01	0.01	0.01	0.02
Total	1.70"	2.20"	2.62"	3.20"	3.65"	4.05"

Source: Based on NWS Records from 1898-1989 and NOAA Atlas 2

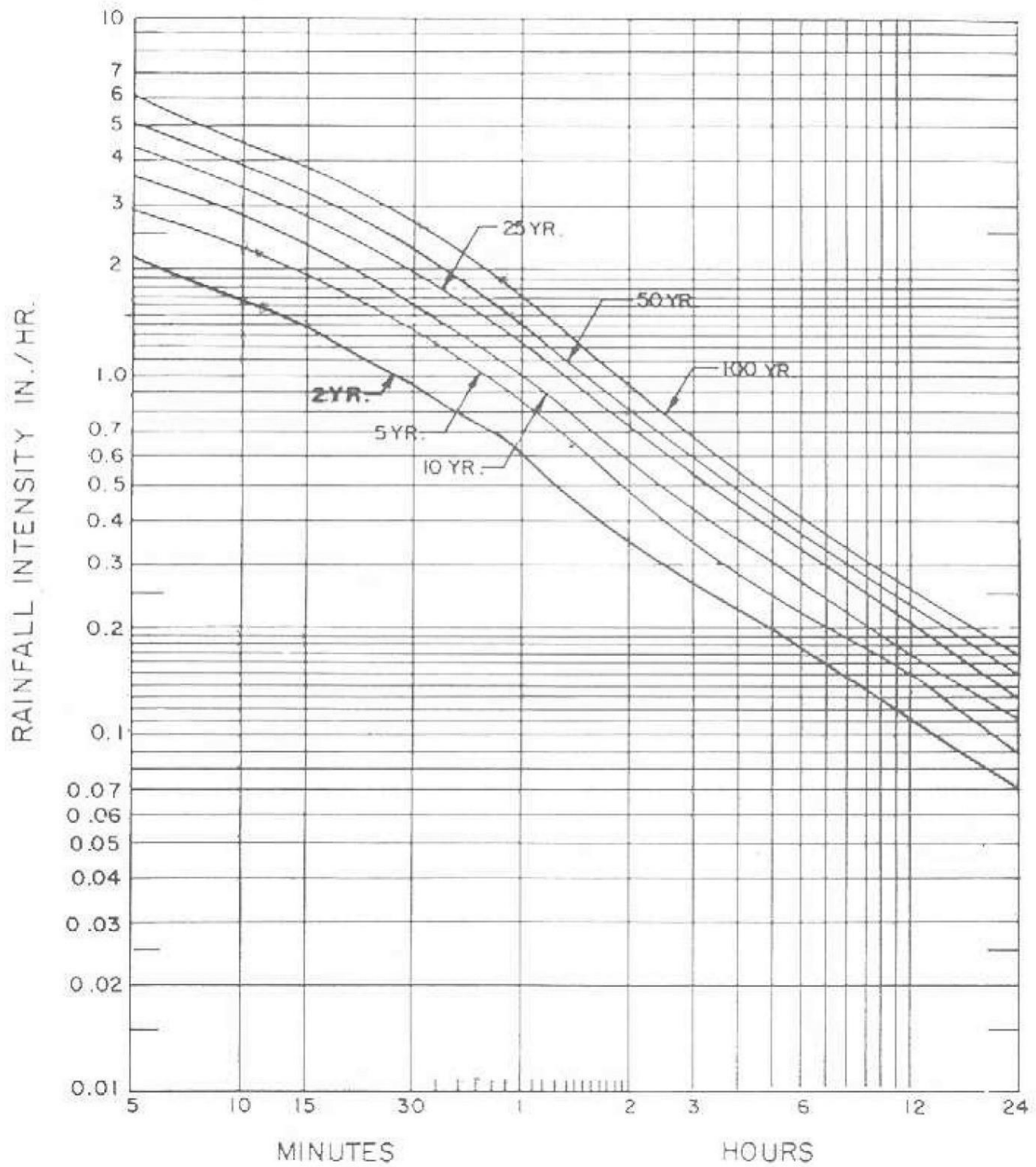


Figure D1: Rainfall Intensity Duration Curves

Source: Based on NWS Records from 1898-1989 and NOAA Atlas 2

Exhibit 4-II Unit peak discharge (q_u) for NRCS (SCS) type II rainfall distribution

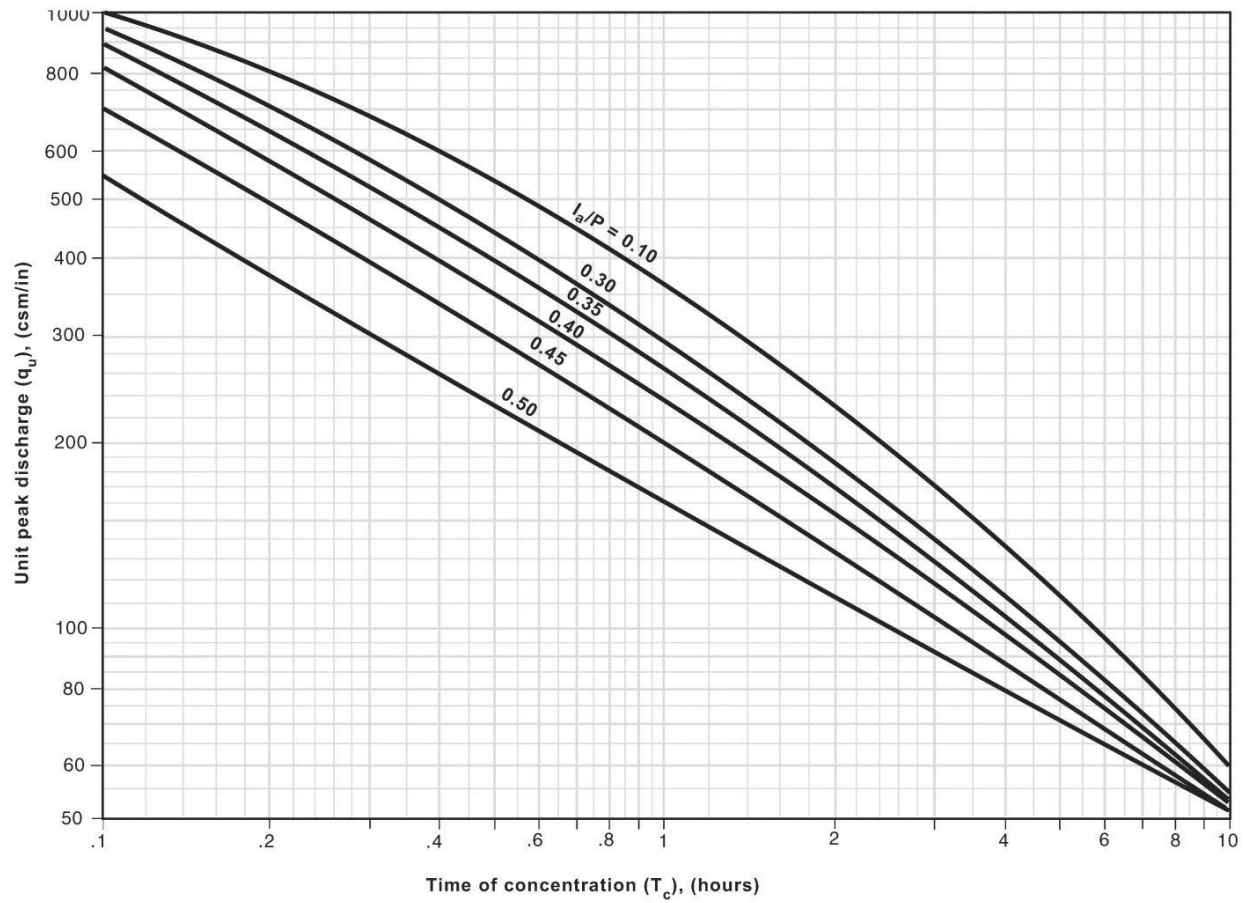


Figure D2: Unit Peak Discharge (q_u) for NRCS (SCS) Type II Rainfall Distribution

Source: TR-55, Exhibit 4-II

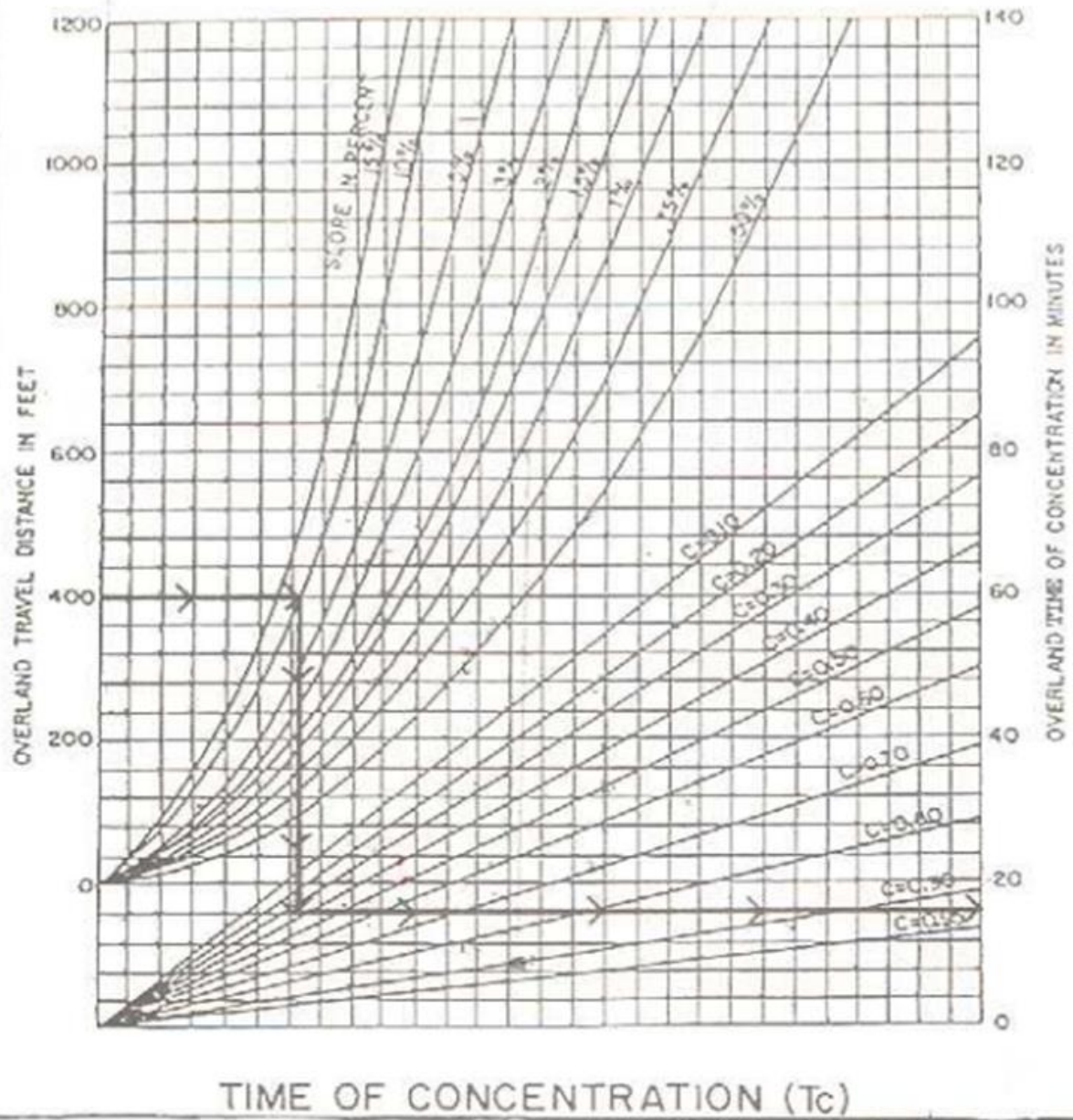


Figure D3: Overland Time of Flow Curves



Appendix E. Sample Seed and Fertilizer Specifications

SEEDING

GENERAL

SUMMARY

Section includes:

Grass seeding requirements.
Maintenance.

Related Sections include, but are not limited to:

1. MPWSS Section 01300 – Submittals.
2. Section 01400 – Quality Control.

REFERENCES

Montana Department of Transportation Standard Specifications for Road and Bridge Construction, 2006 Edition.

DEFINITIONS

Weeds include, but are not limited to, Dandelion, Jimsonweed, Quackgrass, Horsetail, Morning Glory, Rush Grass, Mustard, Lambsquarter, Chickweed, Cress, Crabgrass, Canadian Thistle, Nutgrass, Poison Oak, Blackberry, Tansy Ragwort, Bermuda Grass, Johnson Grass, Poison Ivy, Nut Sedge, Nimble Will, Bindweed, Bent Grass, Wild Garlic, Perennial Sorrel, and Brome Grass.

SUBMITTALS AT PROJECT CLOSEOUT

Provide certificate of compliance from authority having jurisdiction indicating approval of seed mixture.

Maintenance Data: Include maintenance instruction; types, application frequency, and recommended coverage of fertilizer.

QUALITY ASSURANCE

Provide seed mixture in containers showing percentage of seed mix, year of production, net weight, date of packaging and location of packaging.

Submit a purity analysis and germination test of the seed mixture(s) proposed.

REGULATORY REQUIREMENTS

Comply with the Montana Seed Law.

DELIVERY, STORAGE, AND HANDLING

Deliver grass seed mixture in sealed containers, open or damaged packaging is not acceptable.

Deliver fertilizer in waterproof bags, labeled according to Montana fertilizer laws and bearing weight, chemical analysis, name of manufacturer, and warranty of the producer.

PRODUCTS

SEED MIXTURE

Seed Mixture: Furnish seed that meets Montana Seed Law and seeding regulations for individual areas to be seeded.

Furnish seed free of prohibited noxious weed seed with restricted weed seed not exceeding Montana Seed Law.

Seed delivered in tagged and labeled bags showing percentage of purity and germination. Seed shall be applied on a pure live seed basis, which accounts for germination rate and purity.

Seed shall be tested within twelve months prior to date of seeding and conform to latest Montana Seed Law.

Wet, moldy, or otherwise damaged seed will be rejected.

Western Native Seed Mixture – the seed mixture and species shall be as follows or

Engineers approved equivalent:

Critana Thickspike Wheatgrass	25%
Slender Wheatgrass	25%
Green Needlegrass	20%
Western Wheatgrass	20%
Secar Bluebunch Wheatgrass	10%

The application rate shall be 2 pounds per 1,000 sq. ft., pure live seed, drill seed, or approved distributor's recommendation.

EXECUTION

PREPARATION

Verify that prepared topsoil is ready to receive Work of this Section.

SEED BED

Topsoil shall be raked level and all sod, hard lumps, gravel, concrete, or other debris materials shall be removed.

Finished surfaces shall be smooth and level.

SEEDING

The planting depth shall be ½ inch. Seed bed shall be lightly harrowed upon completion of seeding.

Perform seeding, per distributor's recommendation, when the temperature and moisture are favorable for germination and plant growth. Seed preferably before June 1st and after October 1st of each year. If seeding between June 1st and October 1st, then water seeded area per distributor's recommendation. Ensure watering technique does not wash seed mixture away. Seeding dates and watering techniques must be approved by the Engineer.

Do not sow immediately following rain, when ground is too dry, or during windy periods.

Seed areas disturbed by construction in berms and lawn areas as determined by the Engineer.

FERTILIZER

Fertilizer for Western Native Seed Areas – fertilizer for the dryland seeded areas shall consist of the following or Engineer approved equivalent:

Nitrogen	50 lb/acre
Phosphate	50 lb/acre
Potash	10 lb/acre

MAINTENANCE

Apply moisture, fertilizer, and mulch, at the Contractor's discretion, to provide the proper environment for seed germination and sustained growth.

Re-seed any areas as determined by the Engineer to have insufficient grass cover.

Apply herbicides in accordance with manufacturer's instructions. Remedy damage resulting from improper use of herbicides.

Repairs shall be made as necessary before final acceptance by Engineer at no additional cost to Owner.



Appendix F. Storm Drain Fee

History of Storm Drain Fee

The City's 1987 Storm Drainage Master Plan highlighted major deficiencies in the City's storm drainage system. The Storm Drainage Master Plan recommended the creation of a storm drain fee to pay for necessary upgrades and maintenance.

A city-wide storm drain fee was first created by Resolution 8265 (Approved April 18, 1989). This resolution was amended with Resolution 8315 (Approved Sept. 19, 1989).

Resolution 8315 sets the framework for assessing the storm drain fee for each city lot by establishing a Land Use Classification and corresponding rate. The rate portion of this resolution has typically been updated annually through subsequent rate resolutions to adjust for things such as operational costs and inflation. These rates were last updated in 2019 under Resolution 10316.

Calculating the Storm Drain Fee

A storm drain fee is assessed to every developed parcel within the City. For new development, the City assesses storm drain fees within 60 days of the first building permit being issued. Credits are given to developed parcels with large tracts of vacant land and for properties eligible for a Detention Credit. Undeveloped vacant city lots are exempt from paying a storm drain fee.

Developed Parcel

Developed parcels include all city lots that have a building, driveway, parking lot, or any other feature that creates additional runoff beyond what would be created from vacant undeveloped land.

Every developed parcel is charged a storm drain fee including a base fee per water service account plus a fee based on the lot's area and Land Use Classification Group. See Table 11-1 below summarizing the City's storm drain fee rates as of Nov. 2019 per Resolution 10316. For current City storm drain fee rates, see the most current resolution with updated base fees and rates for each Land Use Classification Group.

Table 1: Monthly Storm Drain Fee Rate Summary (Based off Resolution 10316)

Land Use Classification Group	Type of Use	Base Fee	Rate (Cost per Sq Ft)	Rate (Cost per 10,000 Sq Ft)
A	Single Family Residential	\$2.03	\$0.0006087119	\$6.09
B	Multiple Residential	\$2.03	\$0.0007608899	\$7.61
C	Commercial	\$2.03	\$0.0009891569	\$9.89
D	Heavy Commercial	\$2.03	\$0.0013696018	\$13.70
E	Parcel that does not Discharge to underground City storm drain	\$2.03	\$0.0001521780	\$13.70

Land Use Classification Group

All developed parcels are given a Land Use Code by the City Planning Department. The Land Use Code is used to determine the parcel's Land Use Classification Group using Table 11-2 below. The Coefficient of Runoff is used to equitably assess storm drain fee rates to the different Land Use Classification Groups. See Resolution 8315 for more detailed information.

Table 2: Land Use Classification Group

LAND USE CLASSIFICATION GROUP	LAND USE CODE	COEFFICIENT OF RUNOFF	DESCRIPTION
A	111	0.40	Single Family
A	140	0.40	Mobile Single Family
B	112	0.50	Two Family Residential
B	114	0.50	Three-Four Family Residential
B	141-144	0.50	Mobile Homes & Trailer Courts
C	115-119	0.65	Multiple Dwelling
C	120-124	0.65	Boarding & Rooming Houses
C	151	0.65	Hotel & Motel
C	210	0.65	Light Industry
C* (A)	410	0.40	Railroad and Public Utilities
C	680	0.65	Schools Public & Private
C	690	0.65	Churches
C	740	0.65	Semi-Public
D	152-155	0.90	Hotel & Motel
D	220	0.90	Heavy Industry
D	530	0.90	General Business
D	540	0.90	Shopping Centers
D	610	0.90	Office Buildings, Financing, & Banks
D	670	0.90	Public Buildings (Governmental Services)
D	770-780	0.90	Parking Lots
E	Varies	0.10	Any of the above parcels that don't discharge runoff to an underground storm drain

*Railroad and Public Utilities are in Group A for billing purposes due to lower runoff rates.

Group E is for developed parcels that do not directly discharge to an underground City storm drain system. This is the lowest tiered rate for developed parcels. Resolution 8315 Exhibit B includes a map delineating the parcels in Group E as it existed in August 1989. The City Engineering Division maintains an updated map of parcels in Group E. These are parcels that would normally be in Group A, B, C, or D but are put in the lower tiered Group E since they don't utilize City underground storm main infrastructure to drain the runoff from their property to the river. Many of these properties are located near the Missouri and Sun Rivers.

Storm Drain Fee Example Calculation

Parcel: 10,000 sf lot in Group B with one water service account

- = $\$2.03 + 0.0007608899 * 10,000 \text{ sf lot}$
- = $\$2.03 + \7.61
- = $\$9.64 \text{ per mo.}$

Notes:

- Land Use Classification Group A caps out at 15,000 sf as long as the parcel's area that is greater than 15,000 sf is agricultural or undeveloped
- Parcels within Group E are capped out at 10,000 sf if these parcels are designated by the Planning Department as Single Family or Mobile Single Family.

Vacant Land

City parcels that are undeveloped and vacant are except from storm drain fees. These parcels are vegetated lots with no developed features that create more runoff than would be expected from naturally vegetated land. These lots also do not have any connected City services such as water and sewer.

Vacant Land Credit

Developed land that has a large section of vacant land may have the vacant land excluded from the area used to calculate their storm drain fee. To be eligible for this credit, the vacant land must be greater than 10,000 sf with the lot being in the B, C, or D Land Use Classification. The vacant land must not have any developed features including landscaping.

Detention Credit

Credit against monthly storm drain bills shall be allowed for developments that detain more than the difference between the 100-year and 5-year developed runoffs. The credit shall be based on the amount of reduction of the 5-year developed peak flow. If the detention reduced the 5-year peak flow 50% for example, the charge per square foot of lot shall be reduced 50% as well. The detention credit however is subject to a minimum storm drain fee for developed properties.

- **Minimum Storm Drain Fee:** The lowest tiered rate for any developed parcel is the Group E rate. Groups B, C, and D may utilize the Detention Credit to reduce the storm drain fee rate down to the Group E rate. The Group E rate is applied to the entire developed area of the parcel including any ponds.
- **Calculating the Minimum Storm Drain Fee:** Calculate both the storm drain fee based off the Detention Credit for the given Group; and based off the parcel having the lowest tiered rate which is the Group E rate. The storm drain fee is the higher of the two calculations. If the detention pond is oversized to the point where it acts as a full retention pond, the Group E rate would be utilized.

- Parcels in Group A generally are not required to have on-site detention ponds and are thus not eligible for a Detention Credit.
- Parcels with oversized detention ponds must reduce the 5 year post developed runoff using a 100 year storm by a minimum of 20% to be eligible for a Detention Credit.
- Property owners seeking a Detention Credit for new development should submit their storm drain report with a request for a Detention Credit with supporting information.
- Methods used for computation of peak flows shall be in compliance with this manual.

Storm Drain Fee Appeal

Storm drain fees are assessed with the authority of the City code and City resolutions. Fees are calculated by City Engineering's interpretation of code and resolutions. This manual summarizes those interpretations.

Property owners may appeal their storm drain fee by contacting the City Finance Department. City Finance can provide a Storm Drain Fee Appeal application form. These forms are also available on the City of Great Falls official website. Return the application form to the City Finance Department where it will be routed to City Engineering for review. Property owners may contact City Engineering with questions about the appeal process.



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3264 – An ordinance by the City Commission of the City of Great Falls to rezone the property addressed as 805 2nd Street SW and legally described as Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana, from R-1 Single-family Suburban to M-2 Mixed-use Transitional.

From: Lonnie Hill, Deputy Director, Planning and Community Development

Initiated By: Craig and Robert Stainsby, Owners

Presented By: Brock Cherry, Director, Planning and Community Development

Action Requested: City Commission adopt Ordinance 3264, the accompanying Findings of Fact, and accept the Voluntary Development Agreement.

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3264 allowing the rezone request from R-1 Single-family Suburban to M-2 Mixed-use Transitional for the property legally described in the Staff Report, the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant, and accept the Voluntary Development Agreement.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

**Please note formal protest section on requirements for favorable vote of two-thirds (2/3) of the present and voting members of the City Commission*

Staff Recommendation:

The Zoning Commission recommended with a 4-1 vote, that the City Commission approve the applicant's request for a Zoning Map Amendment at the conclusion of a public hearing held on February 13, 2024. In addition, staff recommends approval 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. **Land Use & Zoning.** The proposed plans shall conform to the M-2 Mixed-use Transitional zoning district development standards contained within the Official Code of the City of Great Falls.
3. **Engineering Review.** The final engineering drawings and specifications for improvements to the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Agreement with the Park and Recreation Department.** Prior the time of building permit must enter into an agreement with the City regarding the installation and maintenance of proposed improvements to the City's property adjoining the owner's site that will be used for access.

Background:

The subject property, located at 805 2nd Street SW, is approximately 4.46 acres and is within the R-1 Single-family Suburban zoning district. The property was most recently a mobile home court, a nonconforming use within the R-1 zoning district. City records show the property has had up to fourteen (14) mobile units, but most recently, it had ten (10) units on file with utility records. This larger acreage, multi-unit property has historically served as a transition between the industrial uses to the north and predominately single-family uses to the south. The applicant requests a zoning map amendment to rezone the subject property to M-2 Mixed-use Transitional to allow for the development of a mixed residential project. The request does not include the single-family residence located at the southeast corner of Bay Drive and 2nd Street SW, addressed 803 2nd Street SW.

The properties to the south and west and the single-family residential property directly northwest of the subject property are also within the R-1 zoning district. The property north of the subject property, across Bay Drive, is within the M-2 Mixed-use Transitional zoning district and is currently vacant. Garden Home Park, which is directly north of the subject property, is within the POS Parks and Open Space zoning district. *Attachment F - Zoning Map* shows the specific locations of surrounding zoning districts.

The applicant's rezoning request is to facilitate the sale of the property to developers who wish to construct a mixed residential development proposal that includes multiple phases and would result in the construction of 92 units in total. The development proposal includes one three-story 36-unit building in the first phase along the western side of the subject property, one three-story 42-unit building in the second phase in the center of the subject property, and seven 2-unit townhome buildings (14 units) in subsequent phases on the eastern portion of the site, near the Missouri River.

The developer proposes two accesses onto Bay Drive near an existing access for the mobile home court. These accesses will cross a strip of parkland property that is located between the subject property and the right-of-way of Bay Drive. The applicant has approached the City, and specifically the Park and Recreation Department, about the use of that parkland for access to the site. City staff is generally agreeable to continuing that use. Prior to the issuance of the Phase I Building Permit, the property owner must enter into an agreement with the City regarding the installation and maintenance of proposed improvements to the City's property adjoining the owner's site that will be used for access. An exhibit of this strip of parkland is included as *Attachment G - Parkland Access Exhibit*. In addition, the developer has agreed to extend a 10-foot shared path between the proposed development and the end of River's Edge Trail in Garden Home Park.

The developers expressed a willingness to work with the City to create a Voluntary Development Agreement outlining their commitments that go beyond what the M-2 zoning district would otherwise require. These voluntary commitments are outlined within *Appendix J* of the application packet and within the attachment entitled *Voluntary Development Agreement*. Although it is not typical of the City to enter into development agreements with rezoning requests, staff recommends that the City Commission review and consider all of the applicants' voluntary commitments within this agreement to become memorialized and recorded.

The applicant proposes a boundary line adjustment in addition to the rezone request. A draft certificate of survey (COS) is provided within the application packet to reconfigure the subject property to create Lot A, which is approximately 1.27 acres and will contain the first phase, and Lot B, which is approximately 3.19 acres and will contain the future phases. The proposed boundary line adjustment is reviewed administratively by city planning staff but is provided as a reference in this request. The entire 4.46-acre subject property is included in the rezone request.

On the 13th of February, the Planning Board, acting as the Zoning Commission, conducted a public hearing concerning the request. During the proceedings, a Commissioner provided information and raised concerns regarding the potential involvement of the City in an illegal "spot zone" of the subject property if the request was granted. In response to the Board's concerns, City Staff assured the Board that a review of the materials would be undertaken to ensure that the City of Great Falls would not engage in illegal "spot zoning" if the request were approved. Subsequently, staff performed a detailed analysis provided as *Attachment C – Spot Zoning 2024 Memo* and has determined there is no reason to believe that the proposed re-zone should be considered "spot zoning."

Floodplain Analysis:

The second and third phases of the proposed project are located within the Special Flood Hazard Area (SFHA), or 100-year floodplain. The applicant will be required to meet the requirements of the Federal Emergency Management Agency (FEMA) and City of Great Falls Floodplain Hazard Management Regulations. This will include a request to place fill within the SFHA to develop the 42-unit apartment building and 2-unit townhomes as part of a Letter of Map Revision-Based on Fill (LOMR-F) process. The proposed first phase, including the 36-unit apartment building, is located outside the 100-year floodplain.

2013 Growth Policy Update Analysis:

Staff has reviewed the City's 2013 Growth Policy Update and has concluded that the Growth Policy supports the proposed zoning map amendment to facilitate the development of apartments and townhomes. Specifically, on page 134, the Growth Policy lists multiple social policies regarding housing, such as encouraging a variety of housing types and densities so that residents can choose by price or rent, location, and place of work. Further, the Environmental section on page 144 and the Physical section on page 162 of the Growth Policy prioritize infill development. The subject property is surrounded by existing infrastructure that can accommodate the proposed development, and the Public Works Department already maintains Bay Drive and 2nd Street SW. The supporting findings are listed in *Attachment B: Findings of Fact – Zoning Map Amendment*.

Missouri River Urban Corridor Plan Analysis:

In addition to the City's 2013 Growth Policy Update, the subject property is located within the "Primary Impact Area" of The Missouri River Urban Corridor Plan shown on page 15 of the plan. According to the

plan, a primary impact area includes lands with strong relationships to the river that are most central to the Corridor Plan. On page 48, the plan identifies appropriate riverfront uses that reinforce the vision for the Missouri River corridor. The listed uses include 2-4-story rental apartments and townhouses.

Further, a goal of the plan listed on page 36 is to remove barriers to success. One identified regulatory barrier is the lack of mixed-use/multi-use zoning districts or options in local regulations appropriate for riverfront redevelopment. In response to the plan, the City adopted Mixed-use Transitional zoning along Bay Drive in 2005. Because this zoning map amendment request meets multiple goals of the Growth Policy and Missouri River Urban Corridor Plan and is proposed to replace a past multi-unit development, staff supports the request to rezone the property to M-2.

Transportation Analysis:

City Code requires a formal Traffic Impact Analysis when the estimated peak-hour trips generated by the proposed development exceeds 300 peak-hour trips and allows the City to require one if the estimated peak-hour trips exceed 200 peak-hour trips. Although the proposed development is estimated to generate only 43 peak-hour trips, staff has performed an analysis based on anticipated public interest in the proposed use. The full analysis can be found within *Attachment D - Traffic Analysis* and is summarized in the following section.

Generally, a traffic analysis looks at existing traffic circulation and patterns, projected traffic circulation and patterns, effects of changes in traffic to the transportation network, and recommendations related to potential impacts attributable to the development.

Existing Conditions and Projected Growth

Traffic volumes are generally low on the roads surrounding the development. Table 1 shows daily and peak-hour volumes, as well as projected growth. Growth projections are based upon studies performed for similar land uses, as summarized in the *ITE Trip Generation Manual, 11th Edition*.

Generally, traffic is in the expected range for the characteristics and function of the different affected road segments. Huffman Avenue and Bay Drive are wider roads built to urban road standards and direct local traffic to higher-capacity roads. 10th Avenue SW and 2nd Street SW provide access to and from low-volume, mostly residential properties and are referred to as “local” roadways. Local roads around Great Falls generally carry between 200-1,200 trips, depending upon the characteristics of the neighborhood they serve. As expected, Huffman Avenue and Bay Drive carry more traffic than 10th Avenue SW and 2nd Street SW.

TABLE 1

STREET SEGMENT	DAILY VOLUME (DATE)	PROJECTED DAILY GROWTH	PROJECTED DAILY VOLUME	2023 PEAK HOUR VOLUME	PROJECTED PEAK HOUR GROWTH	PROJECTED PEAK HOUR VOLUME
Bay Drive (north of the development)	677 (2022)	185	862	n/a	12	n/a
Huffman Ave. (west of 2 nd St. SW)	810 (2022)	211	1,088	n/a	14	n/a
10 th Ave SW (btwn 4 th & 6 th Sts SW)	399 (2023)	132	531	52	9	61

2 nd St SW (south of Huffman Ave)	333 (2023)	132	465	39	9	48
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Speeds

Although not typically reviewed, travel speeds have been provided in the analysis for informational purposes. An average travel speed higher than 25 MPH on a local roadway could be a concern. However, as the attached analysis shows, 85% of the drivers traveled less than 26 MPH on 10th Avenue SW and 23 MPH on 2nd Street SW, with the average speed much lower. Additional traffic volumes are not expected to increase speeds.

Conflict with Bicyclists

A 2014 study concluded that the characteristics of 10th Avenue SW/2nd Street SW were appropriate for shared bicycle usage. The relatively small increase in vehicular traffic anticipated from the development would not be expected to negatively impact bicycle safety. Additionally, the shared-use path connecting to the River's Edge Trail proposed by the development should enhance bicycle safety in the area.

Conclusions/Recommendations

An increase in peak-hour trips of 9-14 trips per hour (less than one trip every 4 minutes during rush hour) should have little noticeable impact on area traffic, as the roads have sufficient capacity to allow for the increase and remain uncongested. Huffman Avenue and Bay Drive are wide enough to accommodate parking and 2-way travel, and 2nd Street SW and 10th Avenue SW have typical travel lane widths to safely carry traffic, with wider boulevards usually free of parked vehicles, further contributing to the safe use of the roads.

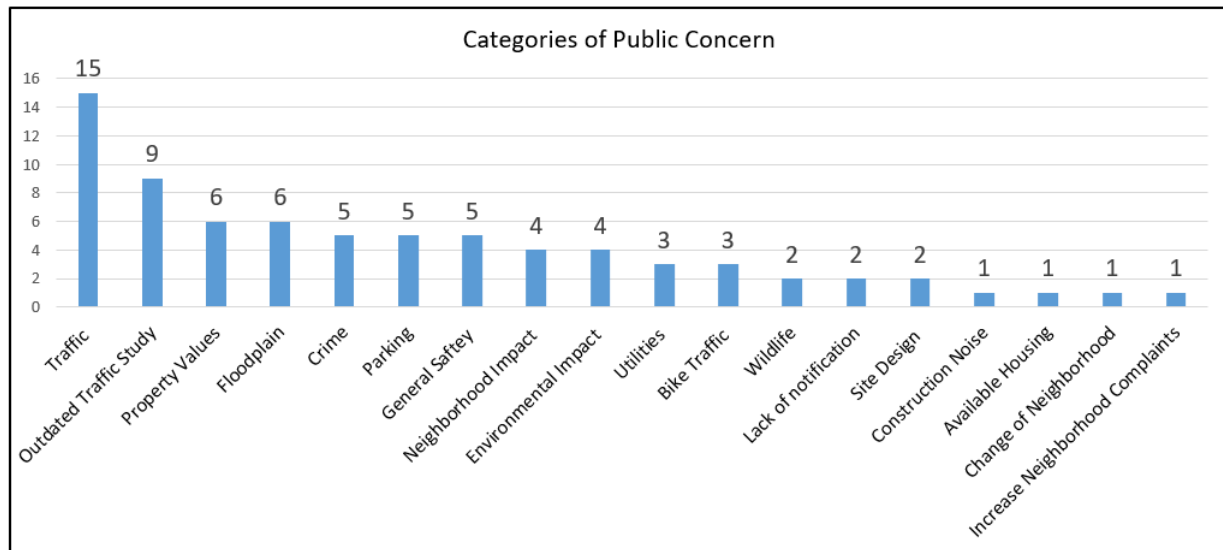
To enhance bicycle and pedestrian safety, a 10-foot shared path is recommended between the proposed development and the end of River's Edge Trail in Garden Home Park. Due to the lack of pedestrian facilities on neighboring streets, no sidewalks are recommended on 2nd Street SW until full street improvements are implemented.

Neighborhood Council:

The subject property is located in Neighborhood Council #2. The applicant's representative presented at the Council's regularly scheduled November 8th meeting. In response to the citizens in attendance commenting that not enough of the neighborhood was aware of the proposal or meeting, the Council voted to discuss the item at a second special meeting on December 6th. A number of residents attended the December 6th meeting and expressed various concerns, including traffic and safety. The Council did not take action on December 6th but scheduled the item for discussion at its February 13th meeting, at which the Council voted not to recommend approval of the rezone request.

Public Comment:

Public comment received before publishing this report is provided as *Attachment K: Public Comment*. Staff has compiled the concerns raised in the public comment and summarized the information into the categories listed in the chart below:



Fiscal Impact:

Approval of this request is expected to result in the construction of a 36-plex apartment building, a 42-plex apartment building, and 14 townhome units on the vacant parcel, which would greatly increase the property's value. This, in turn, would result in increased revenue for the City and other entities whose revenue is based on property valuation. Further, indirect fiscal and economic impacts could result in providing housing to accommodate workforce needs.

The applicant will bear the cost of utility connections, all site improvements, and the off-site shared-use path connecting to the River's Edge Trail. This infill project utilizes existing utility infrastructure and is located within an area already served by City Fire and Police.

Formal Protest:

Residents within 150 feet of the subject property have filed a formal protest of the request. This documentation is provided as *Attachment L – Public Comment – Formal Protest*. Per OCCGF 17.16.40.040, the request may not become effective except upon a favorable vote of two-thirds (2/3) of the present and voting members of the City Commission. The City Code procedure for zoning map amendments states the following:

17.16.40.040 - Vote if protested.

An amendment relating to the zoning provisions of this Title may not become effective except upon a favorable vote of two-thirds (2/3) of the present and voting members of the City Commission if a protest against the amendment is signed by the owners of twenty-five (25) percent or more of:

- 1. The area of the lots included in any proposed change; or*
- 2. Those lots one hundred fifty (150) feet from a lot included in a proposed change. (See 76-2-305(2), MCA)*

Alternatives:

The City Commission could recommend denial of the zoning map amendment. For this action, the City Commission must provide separate Findings of Fact for the zoning map amendment request.

Concurrences:

Representatives from the City's Public Works and Fire Departments have been involved in the review process for this application. The building permits for the proposed apartment buildings and townhomes will require review from other City departments at the time of submission. This review will include coordination with the other City Departments, including the Public Works Department, to develop the subject property. No code compliance issues have been identified in the interdepartmental review process.

Attachments/Exhibits:

- Attachment A – Ordinance 3264
- Attachment B - Findings of Fact – Zoning Map Amendment
- Attachment C - Spot Zoning 2024 Memo
- Attachment D - Traffic Analysis
- Attachment E - Aerial Map
- Attachment F - Zoning Map
- Attachment G - Parkland Access Exhibit
- Attachment H - Allowable Uses and Lot Area and Dimensional Standards of R-1 and M-2
- Attachment I - Application Packet
- Attachment J - Voluntary Development Agreement
- Attachment K - Public Comment
- Attachment L - Public Comment – Formal Protest
- Attachment M – Public Comment received after Zoning Commission Meeting on 2/13/24

ORDINANCE 3264

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: LOT 1-A OF THE AMENDED PLAT OF LOT 1, GARDEN HOME TRACTS AND MARK 23A OF COS 4153, LOCATED IN THE SOUTHEAST ¼ OF SECTION 11, T20N, R3E, PMM, CASCADE COUNTY, MONTANA, FROM R-1 SINGLE-FAMILY SUBURBAN TO M-2 MIXED-USE TRANSITIONAL

* * * * *

WHEREAS, the subject properties, located at 805 2nd Street SW and legally described above, are presently zoned R-1 Single-family Suburban; and

WHEREAS, the property owners, Craig and Robert Stainsby, have petitioned the City of Great Falls to rezone said properties to the M-2 Mixed-use Transitional zoning district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 13, 2024, to consider said rezoning from R-1 Single-family Suburban to M-2 Mixed-use Transitional zoning district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana; and

WHEREAS, notice of assigning said zoning classification to the subject properties was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 2nd day of April, 2024, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said properties meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning designation be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.40.030 of the OCCGF.

ATTACHMENT A

Section 2. That the property legally described as: Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana, be rezoned to M-2 Mixed-use Transitional as shown in Exhibit A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 5, 2024.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 2, 2024.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

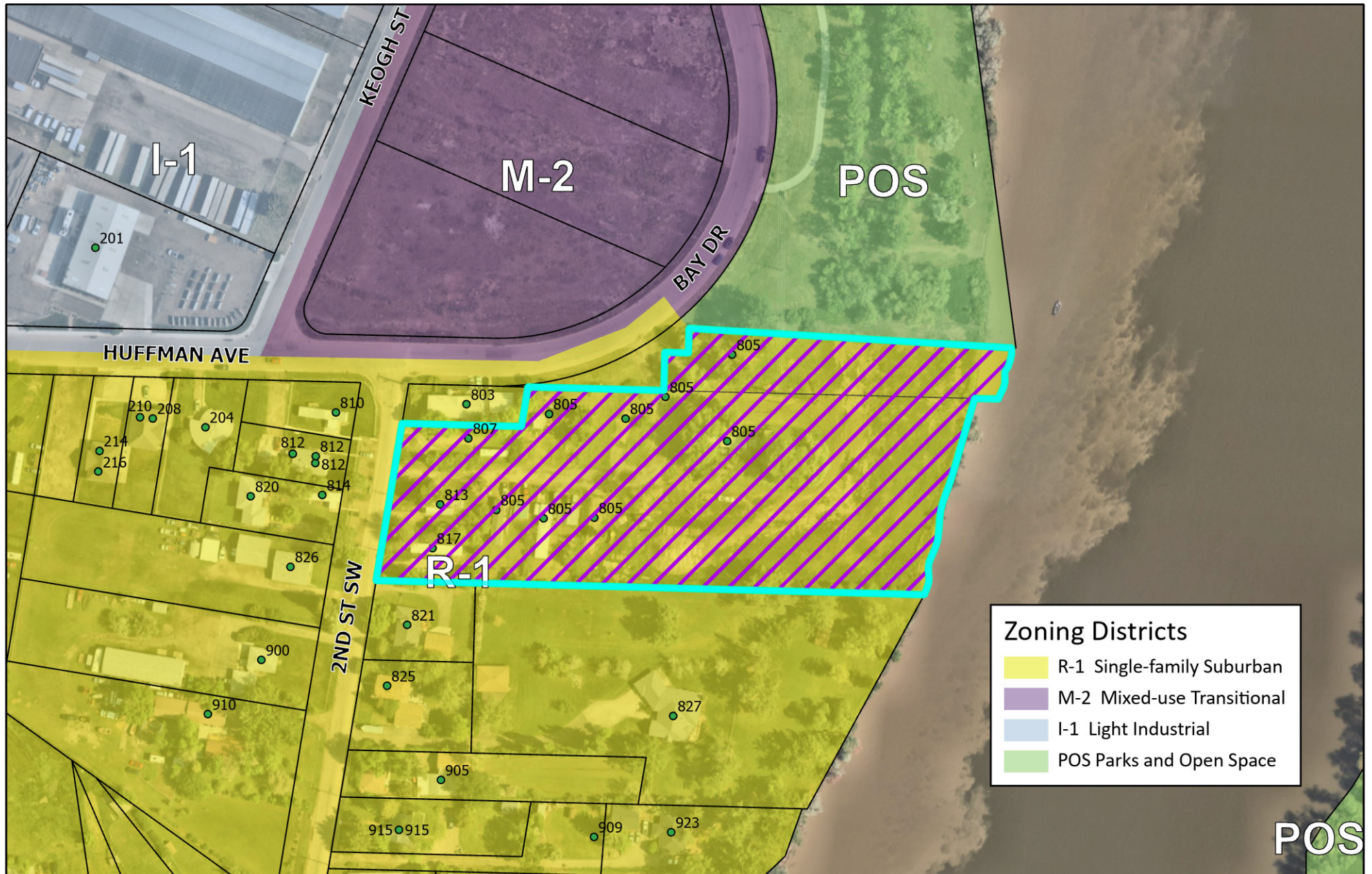
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3264 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Ordinance 3264 - Exhibit A

Agenda #16.



Parcels



Ordinance 3264 - Proposed M-2 Zoning

0 100 200 Feet



ATTACHMENT B

FINDINGS OF FACT – ZONING MAP AMENDMENT

Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana

PRIMARY REVIEW CRITERIA:

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

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

The proposed zoning map amendment is consistent with the overall intent and purpose of the City of Great Falls 2013 Growth Policy Update. The proposal to amend the zoning of the proposed property from R-1, Single-family Suburban to M-2, Mixed-use Transitional will allow the applicant to construct a proposed multi-family development including a 36-plex, a 42-plex, and seven 2-unit townhomes. The land use of a Multi-family residence is not permitted within the R-1 zoning district, whereas it is permitted by right within the M-2 zoning district. Staff finds the City's Growth Policy supports the proposed zoning map amendment to facilitate higher density development upon an infill parcel, particularly to provide needed housing. The zoning map amendment request is consistent with several of the Plan's policies including:

Social – Housing (page 134)

- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes, and assisted living facilities.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location, and place of work.

Environmental – Urban Form (page 144)

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

Physical - Land Use (page 162)

- Phy4.1.4 Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

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

ATTACHMENT B

Council #2. The applicant's representative presented at the Council's regularly scheduled November 8th meeting. In response to comments from members that not enough of the neighborhood was aware of the proposal or meeting, the Council voted to discuss the item at a second special meeting on December 6th. The Council did not take action on December 6th but scheduled the item for discussion at its February 13th meeting, at which the Council voted to not recommend approval of the rezone request. Because there is no adopted neighborhood plan adopted for the general area, the amendment is not inconsistent with Criterion #2.

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

The subject property is located within the "Primary Impact Area" of The Missouri River Urban Corridor Plan shown on page 15 of the plan. A primary impact area includes lands with strong relationships to the river that are most central to the Corridor Plan. On page 48, the plan identifies appropriate riverfront uses that reinforce the vision for the Missouri River corridor. The listed uses within the plan include 2-4 story rental apartments and town houses. Further, a goal of the plan on page 36 is to remove barriers to success. One regulatory barrier that is identified is the lack of mixed-use/multi-use zoning districts or options in local regulations appropriate for riverfront redevelopment. This zoning map amendment request and the proposed development meet multiple goals of the Missouri River Urban Corridor Plan. As a result, staff finds consistency between the applicants' request and the Missouri River Urban Corridor Plan.

4. The code with the amendment is internally consistent.

If the applicants construct the project as conceptually proposed, the requested zoning map amendment will not be in conflict with any portion of the existing City Code and will be internally consistent. The developers expressed a willingness to work with the City to create a Voluntary Development Agreement outlining their commitments that go beyond what the M-2 zoning district would otherwise require. These voluntary commitments are outlined within "Appendix F" of the application and within the attachment entitled, "*Voluntary Development Agreement*".

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 proposed development will require water and sanitary sewer services to be extended from the utility mains that surround the property. In addition, the proposal will trigger the City's stormwater quantity and stormwater quality requirements. These items, and public safety, will be addressed during building permit review to ensure City requirements are met and safe access is provided within the property and to the surrounding streets. Residents to the south have expressed concern that if the zoning map amendment is adopted, that traffic safety impacts will be excessive. Staff analysis indicates that because potential residential trips will be dispersed in three different directions, and that additional traffic generated by the project can be reasonably accommodated by the existing nearby street system.

ATTACHMENT B**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 only affect the subject property, and the project will be developed in a manner consistent with Title 17 of the OCCGF.



February 21st, 2024

Attn: City Manager Doyon, Mayor Reeves, and Honorable City Commissioners:

Re: Zoning & Legal Analysis regarding "Spot Zoning" in relation to a request for a Zoning Map Amendment to rezone property located at 805 2nd Street SW from R-1 Single-family Suburban to M-2 Mixed-use Transitional.

"Spot Zoning generally comprises the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners." *Hartshorne v. City of Whitefish*, 2021 MT 116, ¶ 16, 404 Mont 150, 486 P.3d 693, citing *State ex rel. Gutkoski v. Langhor* (1972), 160 Mont 351, 353, 502 P.2d 114, 1145.

Question & Context Summary

On the 13th of February, the Planning Board, acting as the Zoning Commission, conducted a public hearing concerning the request to for a Zoning Map Amendment to change the zoning for the property addressed as 805 2nd Street SW and legally described as Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts and Mark 23A of COS 4153, Located in the Southeast ¼ of Section 11, T20N, R3E, P.M.M., Cascade County, Montana, from R-1 Single-family Suburban to M-2 Mixed-use Transitional.

During the proceedings, Commissioner Julie Essex provided information (see attachment) and raised concerns regarding the potential involvement of the City in an illegal "spot zone" of the subject property if the request was granted. In response to the Board's concerns, City Staff assured the Board that the materials would be reviewed to ensure that the City of Great Falls would not engage in illegal "spot zoning" if the request were approved. Subsequently, the staff performed a detailed analysis that is presented below:

Zoning & Legal Discussion

"There is no single, comprehensive definition of spot zoning applicable to all fact situations." *Little v. Board of County Comm'rs* (1981), 193 Mont. 334, 346, 631 P.2d 1282, 1289. "[A]ny definition of spot zoning must be flexible enough to cover the constantly changing circumstances under which the test may be applied." *Id.*



The information provided by Commissioner Essex contains a reference to the 1981 Montana Supreme Court opinion in *Little, supra*, which established that Spot Zoning is invalid under certain circumstances. Specifically, the case determined that Spot Zoning is not permitted if all three of the following factors exist: (1) the proposed use is significantly different from the prevailing use in the area; (2) the area in which the requested use is to apply is relatively small from the perspective of the number of separate landowners benefited from the proposed change, and (3) the change is special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public. *Little*, 193 Mont. at 346, 631 P.2d at 1289.

However, in the most recent case that cites *Little*, the 2021 *Whitefish* case, *supra*, the Montana Supreme Court found that if a matter of adopted policy, such as an area plan, neighborhood plan, or adopted Growth Policy, substantially complies with a land-use request, the approval of a rezone should not be classified as spot zoning. *Whitefish*, ¶ 17. Moreover, since the establishment of the Little Framework in 1981, the District Court in *Whitefish* noted that there are no opinions of the Montana Supreme Court where a zoning decision that complied with a neighborhood plan/comprehensive plan/master plan was found to be spot zoning. *Id.*

Application to the Rezone Request

At the outset, it is worth noting that from a general planning perspective, the current request to rezone is not perceived as a “spot zone.” The subject property is adjacent to an area already zoned M-2, the requested zoning district. Therefore, the request is viewed as extending an existing zoning district boundary to the south for planning purposes. Further, the most recent land use of a mobile home court is nonconforming to its current zoning district of R-1.

The application of the current rezoning request to the recent Montana case law analyzing spot zoning led staff to determine, as stated in the Agenda Report, that the request complies with the City's planning policy documents, notably the 2013 Great Falls Growth Policy and the Missouri River Urban Corridor Plan, and as a result is not spot zoning.

The City's 2013 Growth Policy Update was reviewed by the staff, and it was concluded that the proposed zoning map amendment to facilitate the development of apartments and townhomes is supported by the Growth Policy. The Growth Policy stipulates social policies pertaining to housing, which encourage the provision of various housing types and densities so that residents can choose according to price or rent, location, and place of work. Additionally, the Environmental section on page 144 and the Physical section on page 162 of the Growth Policy prioritize infill development. The subject property is surrounded by infrastructure and the Public Works Department already maintains Bay Drive and 2nd Street SW.



Furthermore, the subject property is located within the "Primary Impact Area" of The Missouri River Urban Corridor Plan, as indicated on page 15. The plan defines primary impact areas as lands with strong relationships to the river that are central to the Corridor Plan. On page 48, the plan identifies appropriate riverfront uses that reinforce the vision for the Missouri River corridor, including 2-4-story rental apartments, townhouses, other urban residential uses, and other retail and commercial uses.

Conclusion & Staff Determination

After reviewing the Little Framework under the set of facts in the *Whitefish* case, where a request was not in the nature of special legislation because it complied with an adopted neighborhood plan (*Whitefish*, ¶17), it is clear the *Whitefish* decision is applicable to the current request. Like the neighborhood plan in *Whitefish*, the City of Great Falls has adopted planning policy documents that explicitly state that the subject property should allow for the greatest flexibility of uses, including "Rental apartments 2-4 story", "Row Houses & Town Houses", in addition to other listed retail and commercial uses within the Missouri River Urban Corridor Plan. **As a result, Staff has no reason to believe that the proposed re-zone should be considered "spot zoning."**

Sincerely,

A handwritten signature in black ink, appearing to read "B. Z. Cherry".

Brock Z. Cherry

Planning & Community Development Director
City of Great Falls

Attached: Spot Zoning Information from Zoning Commissioner Essex

No. 80-244
Supreme Court of Montana

Little v. Board of County Commissioners

193 Mont. 334 (Mont. 1981) · 631 P.2d 1282
Decided Jul 21, 1981

No. 80-244.

Submitted January 14, 1981.

335 Decided July 21, 1981. *335

Appeal from the District Court of Flathead County. Eleventh Judicial District. Hon. Robert

336 **C. Holter, Judge presiding.** *336

Ted Lympus, County Atty., Jonathan B. Smith, Deputy County Atty., argued, Murphy, Robinson, Heckathorn Phillips, Daniel D. Johns, argued, Kalispell, Eileen Shore, Public Service Comm'n, Helena, for defendants and appellants.

Norbert Donahue, City Atty., argued, Keller Gilmer, Robert S. Keller, argued, Murray, Kaufman, Vidal Gordon, Kalispell, for plaintiff and respondent.

MR. JUSTICE SHEA delivered the opinion of the Court.

Flathead County Commissioners, the defendants, appeal from a Flathead County District Court order enjoining them from proceeding further with their resolution of intent to zone Cameron Tract (a 59-acre tract) for commercial use so that a shopping center could be built on the land. The developers, Developers Diversified, Ltd., defendants by their own intervention, appeal from that part of the District Court order which stopped the defendant City of Kalispell from issuing a building permit which would allow the construction to begin. Plaintiffs are landowners adjacent to the Cameron Tract who oppose the plans to construct the shopping center. They

started this litigation by asking the trial court to enjoin the County from rezoning the land from residential to commercial and to enjoin the City of Kalispell from issuing a building permit to the Developers.

In granting the injunction, the trial court ruled that the county commissioners had violated the law in several ways. First, it held that the commissioners adopted an illegal resolution (Resolution 291) by which they could zone land only if 50 percent of the landowners in an area petitioned to have their land given a certain zoning classification. The court held that this resolution was "the most flagrant invitation to spot zoning that one could
337 come *337 across." As applied to this case, the court held that illegal spot zoning would result if the commissioners zoned the land as commercial, because that would fly in the face of the master plan's recommendation that the Cameron Tract be zoned as medium-density residential. Second, the court ruled that the comprehensive plan (the master plan) must be followed, and that commercial use of the Cameron Tract could be effectuated only by amending the master plan with the approval of both the City of Kalispell and Flathead County. Third, the court ruled that the City of Kalispell could not issue a building permit to the Developers because the *zoning* would not be in compliance with the law. The court did not give any reasons for prohibiting the issuance of the building permit, but we assume that the decision was based on the conclusion that a building permit for a commercial use could not be issued where the master plan recommended a residential use.

The County raises three issues but fails to address the rulings of the trial court. First, without discussing the legality of the action taken by the county commissioners, the County argues that the commissioners were engaged in the legislative process and that until a final decision had been reached (either granting or denying the zoning request) the trial court had no right to intervene by granting injunctive relief to the plaintiffs. The County argues that the plaintiffs were not irreparably harmed by the commissioners' threatened action and therefore there was no reason to invoke the exception that a court may intervene with the legislative process where irreparable harm will result. Second, the County argues that the trial court erred in ruling that the County should have followed the comprehensive plan (master plan). (The County does not suggest, however, what status this plan should have, other than arguing that the plan is merely a guide in zoning decisions.) Third, the County argues that in holding that the county commissioners did not adhere to and give proper consideration to the comprehensive plan (master plan), the trial court improperly substituted its judgment for that of the county commissioners.

The Developers, though technically not appealing the ruling enjoining the county commissioners
338 from proceeding with their *338 zoning request, do argue that the trial court had no right to enjoin the commissioners from that activity. The Developers, however, primarily attack the ruling which enjoined the City of Kalispell from issuing a building permit to the Developers.

On the building permit issue, the Developers first challenge the right of the plaintiffs to contest the issuance of the building permit. They contend the plaintiffs did not show they would be irreparably harmed by the issuance of the permit, and therefore the question should be solely a matter between the Developers and the City. Second, the Developers argue that even if the plaintiffs have the right to challenge the issuance of the permit, the issuance of the permit could not be refused on

the ground that the proposed use would not be in accordance with the comprehensive plan (master plan). This second argument assumes that unzoned land can be used for any purpose not specifically prohibited.

The City's position on appeal is contrary to its position at trial. Plaintiffs named the City as a defendant because the City has jurisdiction over the issuance of building permits. Although the City did not challenge the plaintiffs' standing to contest the issuance of the permit, the City nonetheless argued that it had a duty to continue processing the building permit application because Cameron Tract was unzoned and therefore not in violation of any zoning laws. Before the trial court decided the case, however, the City switched positions and claimed that it could refuse to process the building permit application once it determined that the use proposed by the Developers violated the use specified in the comprehensive plan (master plan), even though the land was unzoned. The City takes that same position before this Court.

For reasons which we will explain later, we affirm the trial court's decision. We will first set out the factual background of this lawsuit together with the intermeshing legal background of planning and zoning.

BACKGROUND OF THE LAWSUIT

The land involved, Cameron Tract, is on the north end of the City of Kalispell and is surrounded on
339 three sides by the boundaries *339 of the City. The City has never annexed the tract, and, as we shall later explain, the City cannot legally do so, nor has this land ever been zoned. In 1974, the City of Kalispell adopted a master plan for this area, which recommends that this tract be zoned medium-density residential. In 1978, a joint City of Kalispell-Flathead County Master Plan was adopted for this same area, and it also recommends that the land be zoned medium-density residential. In fact, the 1978 master plan simply adopts the 1974 master plan.

The City has proceeded to zone most of the City of Kalispell pursuant to its own 1974 master plan. The land surrounding Cameron Tract has been zoned residential.

In December 1975, Flathead County adopted a detailed set of zoning regulations that applied to that part of the County in the Kalispell-City County Planning Board jurisdictional area. That action by the County prevents the City of Kalispell from promulgating and enforcing its own zoning ordinances anywhere outside the city limits. (See, section 76-2-310(1), MCA.) If the County had not done this, the City would have had certain limited rights to promulgate and enforce its own zoning ordinances outside its actual city boundaries (section 76-2-311, MCA). The important point here is that the City has applied its zoning ordinances to all city property, but Flathead County has not applied its zoning ordinances to all county property.

In 1978, Flathead County adopted a comprehensive development plan for the entire county, and this included the 1974 master plan adopted by the City to cover the area which it had a right to plan. (The parties have not stated whether this 1978 comprehensive development plan is a "master plan" or some other planning device.) In any event, in adopting this comprehensive plan in 1978 by Resolution 291, the commissioners also adopted in the same resolution an official policy of zoning property only upon specific petition of the owners who wanted a particular zoning classification. This policy has had a dual effect. First, the majority of the County property in the area remains unzoned. Second, even where it is zoned within the Kalispell-City County Planning Board
340 jurisdictional *340 area, the zoning is very haphazard and extremely selective. The trial court best characterized the inevitable result of such a policy by stating that Resolution 291 "is the most flagrant invitation to spot zoning that one could come across . . ."

For these reasons, Cameron Tract, although within the Kalispell-City County Planning Board jurisdictional area, and designated as residential by the 1974 master plan, has not been zoned and therefore remains in a twilight zone. The Developers stepped into this twilight zone with their plans for a regional enclosed shopping center. Recognizing the policy of the county commissioners inherent in Resolution 291, the Developers acquired a sufficient interest in Cameron Tract, and petitioned the county commissioners to zone the land as commercial.

Because Cameron Tract is unzoned, the Developers assumed that there were no use restrictions preventing the construction of a shopping center on the land. But they were faced with the obstacle of getting water and sewage services for the shopping center. That problem indirectly raised the problem of zoning. Although Cameron Tract is within the County, the county commissioners adopted a policy requiring that city water and sewage services be used if they are "reasonably available." So, the Developers first had to determine if these services were "reasonably available."

City water and sewer lines ran under Cameron Tract. The Developers asked the City for hook-ups to its water and sewer lines, but City ordinances and state statutes stood in the way. The ordinances make City services available only after annexation of the property into the City. The ordinances also state that any annexation and zoning classification within the City must be consistent with the City-County Comprehensive Plan (the master plan). This plan recommended that Cameron Tract be classified as medium-density residential. This meant that before a shopping center could be built on Cameron Tract, the master plan would first have to be amended.

The Developers asked for an amendment to accommodate the shopping center, but on October
341 1, 1979, the City-County *341 Planning Board, voted five to three to keep the plan as it was. As a

result, the Developers could not get water and sewer services from the City. This meant that the Developers could apply to the County to provide the water and sewage services. The county commissioners cooperated and granted the Developers an on-site water and sewage disposal permit.

The Developers have always proceeded on the assumption that they could build the shopping center — or anything else — on Cameron Tract because it was unzoned. Nonetheless, they petitioned the county commissioners to either amend the master plan to permit a commercial classification or to zone Cameron Tract as commercial. The Developers also submitted their building plans and applied to the City for a building permit for the proposed shopping center. By statute, the City is given certain extraterritorial jurisdiction to process building permits and enforce the building code regulations. See, section 50-60-106, MCA.

The mandatory procedure for the creation of zoning districts or promulgation of applicable zoning regulations, is set out in section 76-2-205, MCA, and it includes public notice and a hearing. Notice was given and a hearing was held. City of Kalispell officials appeared and recommended against the zoning application because the master plan for the area designated the land as residential rather than commercial.

On December 7, 1979, three days after the public hearing, the county commissioners adopted a resolution of intent to zone Cameron Tract as commercial. In doing so, however, they failed to take a mandatory step. Before a zoning district can be created, section 76-2-204, MCA, requires that "the board of county commissioners shall require the county planning board and the city-county planning board to recommend the boundaries and appropriate regulations for the various zoning districts." In addition, the statute requires the county and the city-county planning board to make written reports of their recommendations to

the board of county commissioners, but also provides that such recommendations are "advisory only." *342

The commissioners neither demanded, requested, nor received written recommendations from the city-county planning board before they adopted the resolution of intent. Without these recommendations, the county commissioners had no right to proceed with its resolution of intent to zone Cameron Tract as commercial. The applicable statutes clearly mandate that the planning board's recommendations be considered before the commissioners can proceed with a resolution of intent. Section 76-2-205(3) states:

"After the public hearing, the board of county commissioners *shall review* the proposals of the planning board and shall make such revisions or amendments as it may deem proper." (Emphasis added.)

This step in subsection (3) must be taken before the commissioners can proceed to subsection (4) which gives the commissioners the power to adopt the resolution of intent.

Although the plaintiff did not rely at trial on the County's failure to involve the planning board, it is nonetheless clear on the face of the record that the Commissioners' action was invalid.

Once a resolution of intent to zone is passed, sections 76-2-205(5) and (6), MCA, also prescribe mandatory steps to be taken before a zoning district can be created or regulations promulgated. Subsection (5) provides for the method of giving public notice and sets out the contents of such notice. The commissioners complied with this subsection. There is also a 30-day period in which the proposed action can be protested, and, at the end of that period, the commissioners can either create the zoning district and promulgate applicable regulations, or they can decide against the resolution.

However, only those within the proposed zoning area can contest the proposed action. Section 76-2-205(6), MCA. If 40 percent of the landowners within the affected area protest, the resolution cannot be adopted and the commissioners cannot again take action on another zoning resolution for that area for at least one year. Because the Developers owned the entire tract on which the commercial zoning was requested, no one could protest. The plaintiffs, all of whom own land
 343 adjacent to Cameron Tract, had no statutory *343 basis to contest the commissioners' proposed action to zone Cameron Tract as commercial.

The plaintiffs were also faced with another immediate official decision affecting Cameron Tract. While the county commissioners were processing the Developers' zoning request, the Developers had also applied to the City of Kalispell for a building permit, and the issuance of this permit was imminent, although not legal, as we shall later explain.

The building code requires that the appropriate officials determine if the building site (Cameron Tract here) is in compliance with "*applicable laws . . .*" and "*other pertinent laws and ordinances . . .*" (Kalispell City Ordinance, Uniform Building Code, § 303(a).) Because Cameron Tract was unzoned, city officials had assumed there were no use restrictions, thus they were in the later stages of processing the building permit application and checking for technical compliance with the building codes.

In anticipation of receiving the building permit, the Developers moved heavy machinery onto Cameron Tract to grade the land in preparation for the start of construction. There is some evidence that the Developers had also started groundbreaking.

This was the situation when the plaintiffs filed a lawsuit asking the District Court to enjoin the commissioners from zoning Cameron Tract as commercial, and asking the court to enjoin the City of Kalispell from issuing the building permit.

Additional plaintiffs later joined the lawsuit and asked for the same relief against the County and the City.

The plaintiffs obtained first a temporary restraining order, later a temporary injunction, and, after a hearing on the merits, a final order and injunction stopping the county commissioners from zoning Cameron Tract as commercial, and stopping the City of Kalispell from issuing the building permit to the developers.

*THE QUESTION OF WHETHER
 THE TRIAL COURT PROPERLY
 INTERFERED WITH A
 CONTINUING LEGISLATIVE
 344 PROCESS* *344

In preventing the county commissioners from adopting their resolution of intent, the County claims that the trial court violated the long-standing rule that a court will wait for the completion of the legislative process before acting to enjoin enforcement of the legislation. Although the County recognizes an exception to this rule — that a court may enjoin enforcement of the proposed legislation where the threatened harm will be irreparable and where there is no adequate remedy — the County argues that this exception does not apply here. We have no quarrel with this abstract statement of the law, but it has no application here. The plaintiffs were challenging not only the result that the commissioners intended — they were also contesting the procedures used in reaching that result.

The County fails to acknowledge the Catch-22 bind in which the plaintiffs had been placed. The plaintiffs were faced not only with the obvious attempt by the county commissioners to zone Cameron Tract as commercial. They were also faced with an imminent decision by the City to issue a building permit to the Developers. If the plaintiffs had waited any longer, they would have taken the chance that the building permit would be issued, and that construction would begin. The

Developers would then undoubtedly have argued that it would be inequitable to deny them the right to build a shopping center after they had already in the beginning stages of construction, spent so much money. These were the realities when the plaintiffs filed their lawsuits.

This situation was a sufficient basis for the trial court to grant a restraining order preserving the status quo.

The County dignifies form over substance by arguing that the county commissioners were engaged in the legislative process when acting on the Developers' request to zone Cameron Tract as commercial. The commissioners were not involved in adopting a general policy of zoning for the area. Rather, they were involved in selecting a specific tract of land for a special zoning consideration for a particular owner. This activity is more of a quasi-judicial decision-making
 345 process than a legislative-zoning process. The *345 commissioners have no power to engage in such a process. See *South of Sunnyside, Etc. v. Bd. of Commissioners, Etc.* (1977), 280 Or. 3, 569 P.2d 1063. The quasi-judicial power under the zoning laws applicable to counties is reserved to the County Board of Adjustment (sections 76-2-221 through 76-2-228, MCA). However, even the Board of Adjustment could not have granted the relief required here. The Board of Adjustment can act only in relation to zoning regulations already in effect for an area, but here the area had not yet been zoned.

The failure of the county commissioners to implement the comprehensive plan (master plan) by creating zoning districts and promulgating applicable zoning regulations, brings us to the issue of spot zoning. Neither the County nor the Developers have discussed this issue in their briefs, even though the trial court specifically held that the policy inherent in Resolution 291 leads to the worst kind of spot zoning.

THE SPOT ZONING ISSUE

By any definition, this case involves spot zoning of the worst kind. The commissioners were about to zone as commercial a 59-acre tract of land solely to accommodate the Developers, who wanted to build a regional shopping center. The land is surrounded on three sides by City of Kalispell boundaries, and this entire area is, by the trial court's findings, 99 percent residential. Further, the comprehensive plan in effect for this area recommends that the land involved be used for residential purposes. Zoning as was about to take place here is the very opposite of planned zoning.

In a memorandum accompanying its findings and conclusions, the trial court aptly characterized the effect of the county commissioners' policy:

"This case arose because of the policy of the County Commissioners of Flathead County not zoning a tract of land until the owners of that tract petitioned the Commissioners to do so. (Resolution 291) . . . The type of zoning here has been condemned as piece-meal zoning and should be struck down . . . the action of the County Commissioners (or should we say inaction) is the
 346 most *346 flagrant invitation to spot zoning that one could come across. Without regard to any effort put into the comprehensive plan, the commissioners simply refused to consider any zoning except upon application."

Due to the failure of the County and the Developers to address this issue, we can only assume that they concede this to constitute spot zoning, but that somehow it should be overlooked.

There is no single, comprehensive definition of spot zoning applicable to all fact situations. Generally, however, three factors enter into determining whether spot zoning exists in any given instance. First, in spot zoning, the requested use is significantly different from the prevailing use in the area. Second, the area in which the requested use is to apply is rather small. This test, however, is concerned more with the number of separate landowners benefited by the requested

change than it is with the actual size of the area benefited. Third, the requested change is more in the nature of special legislation. In other words, it is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public. See, Williams, 1 *American Land Planning Law*, at 563; Hagman, *Urban Planning and Land Development Control Law* (1971), at 169; Rhyne, *The Law of Local Government Operations* (1980), at 760-761.

In explaining the third test, Hagman gives this qualification:

"The list is not meant to suggest that the three tests are mutually exclusive. If spot zoning is invalid, usually all three elements are present or, said another way, the three statements may merely be nuances of one another." Hagman at 169.

This qualification must be heeded because any definition of spot zoning must be flexible enough to cover the constantly changing circumstances under which the test may be applied.

For example, in *Rodgers v. Village of Tarrytown* (1951), 302 N.Y. 115, 96 N.E.2d 731, the New York Court of Appeals, in holding that the practices involved constituted spot zoning, stated that spot zoning is the process of *singling out* "a small parcel of land" for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners. But in *Thomas v. Town of Bedford* (1961), 15 A.D.2d 573, 222 N.Y.S.2d 1021, Aff'd. (1962), 11 N.Y.2d 428, 230 N.Y.S.2d 684, 184 N.E.2d 285, the argument was that the practices involved did not constitute spot zoning because the tract of land involved was not small — it was 123 acres. The court then held that the reference in *Rodgers* to "a small parcel of land" was inappropriate. Rather, it is really a question of preferential treatment for one or two persons as against the general public, regardless of the size of the tract involved.

Undoubtedly, the county commissioners were engaged in spot zoning here. First, the requested use of Cameron Tract for the commercial development of a regional shopping center is significantly different from the prevailing residential use in the surrounding area. The land is surrounded on three sides by the City boundaries, and this entire area is, by the trial court's findings, almost 99 percent residential. Further, the master plan in effect for this area recommends that the land be used for residential purposes. Zoning such as was about to take place here is the very opposite of planned zoning.

Under the third test for spot zoning, Hagman, *supra*, states that the inquiry should involve whether the requested use "is in accord with a comprehensive plan." (Emphasis added.) Although the cases cannot be harmonized completely because of the differences in statutes, zoning has been held invalid as spot zoning when it is not in accordance with a comprehensive plan. See, for example, *Hines v. Pinchback-Halloran Volkswagen, Inc.* (Ky. 1974), 513 S.W.2d 492; *Fasano v. Bd. of County Commrs.* (1973), 264 Or. 574, 507 P.2d 23; *Jablon v. Town Planning Zoning Comm'n.* (1969), 157 Conn. 434, 254 A.2d 914. We cannot ignore this test when our zoning statutes place great weight on the comprehensive plan as a guide in zoning. For example, section 76-2-203, *supra*, specifically states that zoning shall be conducted "in accordance with a comprehensive development plan." Applied here, a commercial regional shopping center can hardly be said to fit into a medium-density residential area recommended by the master plan.

The second test concerns the size of the area for the requested use. Although most often the size of the area is rather small, that is not always the case, as demonstrated by *Rodgers v. Village of Tarrytown*, *supra*. An important inquiry under this test is how many separate landowners will benefit from the zone classification. See, *Spot Zoning and the Comprehensive Plan* (Spring 1959), 10 Syracuse L.Rev. 303, at 306. Also, as we have

already noted, size may not be the vital factor if the real issue is a question of preferential treatment for one or a few persons as against the general public. *Thomas v. Town of Bedford*, supra. Here, the area is not small (59 acres), but it does involve the owners of Cameron Tract receiving preferential treatment so that they can build a shopping center in an area designated for residential use in the master plan.

The objective of the requested zone classification was clearly to give a special advantage to the Developers. By promulgating Resolution 291, the county commissioners announced to the general public that they were in the business of granting special zoning classifications to owners if at least 50 percent of them in an area asked for a particular classification. The Developers, who owned all of Cameron Tract, seized on this resolution, but it was to the detriment of the plaintiffs who did not want a regional shopping area in the midst of their residential area.

Based on these factors, we hold that the county commissioners were engaged in a pernicious system of spot zoning devoid of any redeeming qualities.

THE ROLE OF THE COMPREHENSIVE PLAN (MASTER PLAN) IN THE CREATION OF ZONING DISTRICTS

The question inevitably arises as to how closely the comprehensive plan must be followed. The trial court ruled that the county commissioners failed to follow the comprehensive plan (master plan) and that the zoning of Cameron Tract could not take place without first amending this plan. There remains the question of how closely the plan must be followed when creating zoning districts and promulgating zoning regulations.

349 *349

The County argues that the comprehensive plan (master plan) is advisory only, and that the governing body having the authority to zone under

the plan, is free to give it whatever weight it wants. In support of its argument, the County has marshalled the statutes which set out the role of the planning boards both before and after adoption of the comprehensive plan (master plan). Because the planning boards serve in an advisory capacity to the local governing bodies, the County assumes that the comprehensive plan (master plan) has that same advisory status. This logic is not supported by the statutes.

The City, on the other hand, argues that although the comprehensive plan need not be regligiously followed in every detail, substantial compliance is required. The City suggests that to zone Cameron Tract for commercial use would first require an amendment to the comprehensive plan, approved by the governing bodies of the City and County. It appears that the plaintiffs argue that there must be at least substantial compliance with the comprehensive plan (master plan) also.

The statutory scheme contemplates that once a "master plan" is adopted by a governing body, any later references in the statutes to the terms "comprehensive plan" or "comprehensive development plan" are synonymous to the term "master plan." In Title 76, Ch. 1 (Planning Boards), a definitional statute, section 76-1-103(4), MCA, explains the terms:

"'Master plan' means a comprehensive development plan or any of its parts such as a plan of land use and zoning, of thoroughfares, of sanitation, of recreation, and of other related matters."

Applied here, the "master plan" adopted by the county commissioners, is within the meaning of section 76-1-103(4), a "comprehensive development plan."

The question then becomes one of how closely the governing body must follow the "comprehensive development plan" (master plan) when creating zoning districts and when promulgating zoning

regulations. Section 76-1-605, MCA, particularly
350 deals *350 with how an adopted master plan shall
be used in making zoning decisions:

" *After adoption of the master plan*, the city council, the board of county commissioners, or other governing body within the territorial jurisdiction of the board *shall be guided by and give consideration* to the general policy and pattern of development set out in the master plan in the . . . (4) *adoption of zoning ordinances or resolutions.*" (Emphasis added.)

This statute unequivocally tells local governing bodies that once a master plan is adopted, it must be used for their guidance in zoning. Further the zoning statutes covering county zoning, Title 76, Ch. 2, sections 76-2-101 through 76-2-112, MCA, undeniably lead to the conclusion that the master plan is of paramount importance. In fact, the unmistakable message of these statutes is that if no comprehensive plan (master plan) has been adopted (section 76-2-201, MCA), and if no jurisdictional area has been created after the adoption of the master plan (section 76-2-202, MCA), the counties are without authority to zone except on an interim basis.

The objective under these statutes is that there be the final adoption of a master plan, and then that the master plan be followed once it has been adopted. The planning and organization statutes (sections 76-1-101 through 76-2-112, MCA) set out a step-by-step basis by which a master plan is to be derived. The term "comprehensive development plan" contained in section 76-2-201, refers back to these organization and planning statutes. As we have already mentioned, without a master plan in effect and without a jurisdictional area carved out after the adoption of the master plan, the counties have no authority to institute permanent zoning classifications. Rather, their only authority to zone is on a temporary interim emergency basis as set out in section 76-2-206, MCA.

Even the temporary emergency zoning statute seems designed to encourage the adoption of a master plan, for it sets out only two conditions under which emergency zoning can be adopted, and further states that temporary emergency zoning can be adopted for no more than a two-
351 year period. Section 76-2-206(1) states that *351 temporary emergency zoning may be used only when the governing body has not yet completed the planning stages of a comprehensive plan (Title 76, Ch. 1) or when the governing body has not yet implemented the zoning regulations after a zoning district has been established. Subsection (2) of this statute strictly limits to two years the time within which the temporary emergency zoning may remain in effect.

Without regard to how closely the comprehensive plan (master plan) must be followed, these statutes leave no doubt that great reliance is placed on the comprehensive plan (master plan) as a guide in zoning.

Because a master plan was in existence and the county commissioners had carved out a jurisdictional area, the county commissioners had the authority to permanently zone the area which includes Cameron Tract. Section 76-2-202, MCA, states in part that "the board of county commissioners may by resolution establish zoning districts and zoning regulations for all or part of the jurisdictional area." But the commissioners did nothing after this point. Rather, they had adopted the policy (Resolution 291) of not zoning at all unless the property owners in the area involved asked for a particular zoning classification. That policy surfaced in this case when the commissioners were about to accommodate the wishes of the Developers by zoning Cameron Tract (59 acres) for commercial use, although the master plan recommended that the area be zoned for medium-density residential use.

The county zoning statutes (sections 76-2-201 through 76-2-228, MCA) rely heavily on the master plan and on the role of the planning board

in providing maximum input to the county commissioners on the question of planning and zoning. Before the county commissioners can create a zoning district or promulgate zoning regulations for the district, sections 76-2-204, MCA, requires the county commissioners to direct the planning board to "recommend boundaries and appropriate regulations for the various zoning districts." This statute further requires the planning board to make "written reports of their
 352 recommendations to the board of county *352 commissioners. . . . Even though the statute also provides that the planning board's recommendations "shall be advisory only," this is because the final zoning authority is given to the county commissioners rather than to the planning boards. The intent of these statutes is to require maximum input from the planning boards to the county commissioners before the commissioners reach a zoning decision. This is simply a recognition that the planning board is in continuing and closer touch with the comprehensive plan (master plan) than are the county commissioners.

The master plan would have little meaning unless the planning board had a significant and continuing role in the processes which finally lead to a decision by the county commissioners. The significance of the planning board's role can be better understood in light of the statutory criteria that must be followed in all zoning decisions. Section 76-2-203, MCA, sets out the general objectives of county zoning, and the criteria that must be considered. Virtually the same language is contained in the city zoning statute, section 76-2-304, MCA, which we interpreted in *Lowe v. City of Missoula* (1974), 165 Mont. 38, 525 P.2d 551.

The first phrase of section 76-2-203 sets the tone for all that comes after it. It states that " *the zoning regulations shall be made in accordance with a comprehensive development plan . . .*" (Emphasis added.) We assume here that the term "zoning

regulations" is also meant to cover the term "zoning districts." We cannot ignore the mandatory language ("shall") of this statute.

We again emphasize that the continuing role of the planning board in the zoning process is set out in the statute (section 76-2-205, MCA) providing that mandatory steps be taken in the creation of zoning districts and in the promulgation of zoning regulations. After public notice has been given and public hearing held pursuant to subsections (1) and (2), subsection (3) requires that "after the public hearing, the board of county commissioners shall review the proposals of the planning board and shall make such revisions or amendments as it
 353 may deem proper." The commissioners *353 must do this *before* they can take the next step provided in subsection (4), that of adopting a resolution of intent to create a zoning district or to promulgate zoning regulations. This statutory scheme requires the county commissioners to obtain maximum input from the planning board, even though the final decision is left to the governing body — the county commissioners.

The vital role given the planning boards by these statutes cannot be undercut by giving the governing body the freedom to ignore the product of these boards — the master plan. We hold that the governmental unit, when zoning, must substantially adhere to the master plan.

ADHERENCE TO THE MASTER PLAN WHEN ZONING

To require strict compliance with the master plan would result in a master plan so unworkable that it would have to be constantly changed to comply with the realities. The master plan is, after all, a plan. On the other hand, to require no compliance at all would defeat the whole idea of planning. Why have a plan if the local governmental unit is free to ignore it at any time? The statutes are clear enough to send the message that in reaching zoning decisions, the local governmental unit should at least substantially comply with the comprehensive plan (or master plan). This

standard is flexible enough so that the master plan would not have to be undergoing constant change. Yet, this standard is sufficiently definite so that those charged with adhering to it will know when there is an acceptable deviation, and when there is an unacceptable deviation from the master plan.

As we have explained, the statutes require a reading that the legislature intended the master plan to have substance. If a master plan must be in existence before the county commissioners can permanently zone, and if the right to adopt emergency interim zoning is limited to two years, it makes little sense to then permit the local governing body to ignore the master plan once it has been created. If the master plan is important enough to be a condition precedent to permanent zoning, it is also important enough to be followed once it is in existence. For these reasons, we hold that only substantial compliance is mandated by

354 the statutes. *354

We are aware that changes in the master plan may well be dictated by changed circumstances occurring after the adoption of the plan. If this is so, the correct procedure is to amend the master plan rather than to erode the master plan by simply refusing to adhere to its guidelines. If the local governing bodies cannot cooperate to this end, the only alternative is to ask the legislature to change the statutes governing planning and zoning.

THE DEVELOPERS' APPEAL — THE BUILDING PERMIT

As mentioned, the Developers, although disagreeing with the trial court's decision enjoining the county commissioners from zoning Cameron Tract for commercial use, concentrate on the argument that the court had no right to enjoin the City of Kalispell from issuing the building permit. They argue that the plaintiffs had no standing to challenge the issuance of the building permit, and further, assuming that the plaintiffs had such standing, they argue that the laws governing issuance of building permits do not stand in the way of obtaining a permit to build on

land that has not been zoned. In effect, the Developers contend they have a right to a building permit, and therefore to build, regardless of any decision enjoining the county commissioners from zoning the land as commercial.

As set out in detail before, the situation facing the trial court was that if an injunction was not issued against the City of Kalispell enjoining it from issuing the building permit pending resolution of the lawsuit, construction might have started despite the filing of the lawsuit. So, even if the trial court later ruled that the county commissioners had no right to zone Cameron Tract as commercial, the Developers would nonetheless ask the trial court to dismiss the plaintiffs' lawsuit because the Developers had already spent large sums of money in the preliminary stages of construction. We have no doubt, therefore, that the trial court was correct in enjoining the issuance of the building permit until all the legal questions were resolved. Stopping the City of Kalispell from issuing the building permit until all legal issues were decided was the only

355 way of preserving the status quo. *355

Based on these factors, the Developers are in no position to avail themselves of a technical argument that the plaintiffs did not prove special damage to them if the building permit were to issue and construction to begin. Further, plaintiffs presented evidence that demonstrates they would be more adversely affected by the regional shopping center than would the general public. Although there were other factors involved, we are convinced that the increased traffic alone was sufficient to show that plaintiffs, as adjacent owners, would be injured in a manner that the general public would not.

According to the Developers' own studies, the shopping mall would attract 13,000 cars per day. These studies also showed, and the trial court found, that the side streets near the shopping center, which presently bear 3,000 cars per day, would have to bear 13,000 cars per day if the

shopping center were built. The studies were completed by the State Department of Highways and Stahly Engineering, at the specific request of the Developers. The Developers now attack these studies, saying that they are mere speculation. The studies were probative on the question of whether the Developers would proceed with building a shopping center and they should be equally probative and available to the plaintiffs to show that their neighborhoods would be adversely affected by the increased traffic flow.

We hold, therefore, that the plaintiffs had standing to challenge the issuance of the building permit. Not only was the damage to them different from that of the general public — an increase of 10,000 cars per day over their neighborhood streets — but enjoining the City from issuing the building permit was also necessary for the trial court to assume its equitable power of granting complete relief. It would not have been fair to the plaintiffs had the trial court ruled that the County could not zone Cameron Tract for commercial use, and to hold that the Developers had the right to start construction upon obtaining the building permit

356 from the City. *356

RELATIONSHIP OF MASTER PLAN TO DUTY OF CITY IN PROCESSING BUILDING PERMIT APPLICATION

The Developers further argue that even assuming the plaintiffs had standing to challenge the issuance of the building permit, the City of Kalispell was nonetheless required to issue the building permit once it found the building plans to be in order. This argument is based on a distinction the Developers believe exists between zoning laws and the master plan. The Developers concede that the City could refuse to process a building permit if the proposed use was in violation of a zoning law, but the Developers argue that the City had no right to refuse to process a building permit solely because the proposed use would not be in compliance with the

master plan. The Developers argue that because the land was unzoned, therefore permitting any use not specifically prohibited, the City had the duty to issue the building permit.

We first note that this argument cannot prevail because we have already held that the District Court had the right to grant complete relief by preserving the status quo until all issues were decided. Accordingly, the court had the right to order the City to stop processing the building permit application. But beyond this we also hold that the trial court was correct by holding in essence that the city officials could refuse to process a building permit application where the proposed use is not in compliance with the master plan for the area involved.

We have already noted in this opinion that the statutory scheme for planning and zoning sets up a continuing process until finally all property within the County has been zoned. We have ruled that the zoning must be in substantial compliance with the master plan. The problem existing here on the building permit question is that the City was confronted with a twilight zone created by the county commissioners' refusal to zone unless the property owners involved make a special request (Resolution 291). It was this failure to zone which placed the city officials in a dilemma when the

357 Developers applied for a building permit. *357

City officials knew they could refuse to process a building permit application if the proposed use was in violation of zoning law, but they did not know what to do where the proposed use was only in violation of the recommendations of the master plan. They proceeded, erroneously, we now hold, on the basis that if the land was unzoned they had a duty to process the building permit application.

In summary, we hold that the county commissioners used illegal zoning procedures and that injunctive relief was proper; that the county commissioners, had they zoned Cameron Tract as commercial, in addition to statutory violations, would have committed a most flagrant act of

illegal spot zoning; that when zoning decisions are made (either creating zoning districts or promulgating applicable zoning regulations for the districts) they must be made in substantial compliance with the comprehensive plan (master plan); that the plaintiffs had standing to challenge the issuance of the building permit; that in any event, the trial court had the right to stop the issuance of the building permit in order to preserve the status quo; and finally, that city officials have the right to refuse processing of a building permit application because the proposed use is in violation of the use recommended in the comprehensive plan (master plan).

The judgment granting injunctive relief is affirmed.

MR. CHIEF JUSTICE HASWELL and
JUSTICES DALY, HARRISON and SHEEHY

358 concur. *358

05/11/2021

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 20-0328

DA 20-0328

IN THE SUPREME COURT OF THE STATE OF MONTANA

2021 MT 116

JAMES HARTSHORNE and ANGELO QUEIROLO,

Plaintiffs, Appellees, and Cross-Appellants,

v.

CITY OF WHITEFISH, WHITEFISH CITY COUNCIL,

Defendants,

and

IO2.5, a series member of IO-3, LLC,
a Montana Limited Liability Company,

Defendant and Appellant.

APPEAL FROM: District Court of the Eleventh Judicial District,
In and For the County of Flathead, Cause No. DV-18-987(C)
Honorable Heidi J. Ulbricht, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

Richard De Jana, Richard De Jana & Associates, PLLC, Kalispell, Montana

For Appellees James Hartshorne and Angelo Queirolo:

Lindsey W. Hromadka, Michelle T. Weinberg, Weinberg & Hromadka,
PLLC, Whitefish, Montana

For Appellees City of Whitefish and Whitefish City Council:

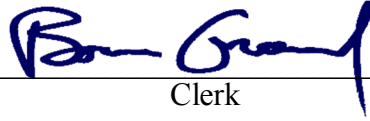
Marcel A. Quinn, Tom A. Hollo, Hammer, Quinn & Shaw, PLLC,
Kalispell, Montana

Angela K. Jacobs, Whitefish City Attorney, Whitefish Montana

Submitted on Briefs: February 24, 2021

Decided: May 11, 2021

Filed:



Clerk

Justice Beth Baker delivered the Opinion of the Court.

¶1 IO2.5, a series member of IO-3, LLC (“IO2.5”), appeals an Eleventh Judicial District Court Order granting summary judgment to James Hartshorne and Angelo Queirolo (collectively, “Hartshorne”) on their claim that Whitefish City Ordinance 18-23 violates the uniformity requirement found in § 76-2-302(2), MCA, and striking certain conditional commercial uses allowed by the ordinance. Hartshorne cross-appeals the District Court’s order denying summary judgment on its claim of spot zoning. We affirm the District Court’s ruling that the City did not engage in illegal spot zoning and reverse its conclusion that Ordinance 18-23 violates the statutory uniformity requirement.

FACTUAL AND PROCEDURAL BACKGROUND

¶2 This case concerns an undeveloped 2.5-acre parcel in The Lakes neighborhood in Whitefish, Montana, known as Area 2(c) or Lot 3 of the Plat of Riverside Senior Living Center. The surrounding neighborhood is primarily residential. IO2.5’s predecessor, Barnes Whitefish, LLC, purchased Area 2(c) on March 27, 2014. IO2.5, a developer, alleges that “[t]he existence of the commercial [Planned Unit Development] component in the neighborhood plan was important to the purchaser because it assured flexibility in determining the best use of the property . . . [which] could not be changed without the growth policy and neighborhood plan first being amended” Hartshorne resides near Area 2(c).

¶3 The City of Whitefish adopted the Riverside at Whitefish Neighborhood Plan in 1993 as an amendment to the Whitefish City-County Master Plan. In 1999 it amended the Neighborhood Plan. The purpose of this amendment was to adjust the development focus of the area from a commercial component that would “attract an outside clientele” to a more community-based development that “still proposes commercial use but as a neighborhood center.” The 1999 Neighborhood Plan “embodies the public policy for the area it addresses.” It provides that “[a]ny land use ordinances or regulations, such as zoning or subdivision review, shall be based on this plan[.]”

¶4 The Neighborhood Plan covers approximately 230 acres, divided into five separate areas. Area 2, titled “Riverside Public Park Area, Neighborhood Center, and Future Development Site,” is divided further into “three distinct segments.” The Plan designated Area 2(a) as a ten-acre development site for assisted living and retirement housing; Area 2(b) as a twenty-acre public park; and Area 2(c) as follows:

A 2.5 acre neighborhood center to meet the demand for basic services created by the walking community and youth athletic facility. The site will be developed under the auspices of a mixed PUD¹ whereby 10% of the gross

¹ A “Planned Unit Development” (“PUD”) is

[a] tract of land developed or proposed to be developed as an integrated unit. A PUD may be a planned residential development, a mix of residential uses and commercial uses, or it may consist of strictly commercial or industrial uses. This option is limited to the allowable density of the underlying use district and the predominant uses within the PUD must be that of the underlying zone.

Section 11-9-2, Whitefish City Code. Under § 11-2S-2(B), Whitefish City Code:

The Mixed-Use PUD is primarily intended to provide for the mixing of compatible non-residential uses allowed in the underlying zone with residential units of various types in urban areas. Residential product types include single-family, two-family, and multi-family in any ownership configuration. Residential types also include

area of the site can be developed in commercial uses intended to be complimentary to the proposed development of the neighborhood.

¶5 The City adopted Ordinance 99-9 in 2000, which zoned all of Area 2 as WR-4 (High Density Multi-Family Residential)² with a PUD overlay. The ordinance required “that any future development must be submitted and reviewed as a PUD complete with

units integrated into primarily non-residential structures, including above office and retail space. Where the zoning is both residential and non-residential, the amount of land dedicated to any non-residential component shall generally be consistent with and give due consideration to the location and extent of the non-residential zoning.

1. A mixed-use PUD may be established in any Non-Residential Zoning District with the exception of the WB-4, the WI, and the WI-T, as well as where the overall development also includes both non-residential and residential zoning.

2. Permitted uses:

- Accessory buildings and uses.
- Any uses permitted or conditionally permitted in the underlying zoning district, provided that any conditional use is specifically considered with the PUD and all conditional use criteria required under this Code for that use are met or conditioned with the PUD approval. If a proposed conditional use is not noted with the PUD application, then such uses must follow the standard CUP review process found in section 11-7-8 of this title. Other uses may also be considered for which justification can be derived on the basis that the use will be compatibly incorporated into the design and use of the planned development. Such uses should be integrated with and complementary to included and adjacent residential uses.
- Private and/or semiprivate recreation and service facilities intended for the residents of the district.
- Residential:
 - Single-family dwellings.
 - Two-family dwellings.
 - Multi-family dwellings.
 - A combination of any of the above arranged in attached, detached, townhouse, apartment, or condominium configurations

² WR-4 zoning regulations identify the following permitted uses: home occupations, homeowner’s parks, public utility buildings and facilities when necessary for serving the surrounding territory, publicly owned or operated buildings, uses or recreational facilities including parks and playgrounds, and residential. WR-4 zoning conditionally allows the following uses: bed and breakfast establishments, boarding houses, catering services, churches or places of worship, daycare, hostels, nursing or retirement homes, private recreational facilities, certain residential uses, schools, and type I and type II community residential facilities. Sections 11-2I-2, -3, Whitefish City Code.

public and City review,” and it established that “[d]evelopment of Area 2 would further be subject to the terms of the Riverside at Whitefish Neighborhood Plan Amendment.” This classification along with the Neighborhood Plan’s specifications allowed Area 2(c) to be developed for both commercial and residential purposes.

¶6 The City later passed Ordinance 99-17, ordering the zoning map amended for Area 2(a) to allow it to retain a WR-4 zoning classification but with a residential PUD designation added. Area 2(b) was dedicated as a park in 2003, subjecting it to additional use regulations due to parks being covered by a separate title of the Whitefish City Code.

¶7 In 2018, the City proposed new PUD regulations that would preclude commercial development in residential areas. Specifically, the PUD regulations disallow Mixed-Use PUDs, Commercial PUDs, or Light Industrial or Industrial PUDs in primarily residential areas. The City and IO2.5 maintain that Area 2(c) was the only property within the City for which the new PUD regulations would prohibit development as called for in its Neighborhood Plan. Given this discrepancy for Area 2(c), IO2.5’s representative attended the March 2018 hearing on these PUD regulations. Following discussion there with the Zoning Administrator, the Zoning Administrator proposed via e-mail a solution to IO2.5’s representative:

I think the best solution for your client, short of applying before the new regulations go into effect, would be to apply for a PUD amendment asking to change that condition that requires a new PUD to something different like a CUP.³ I think the commercial use of that property would be vested with the prior approval.

³ A “Conditional Use Permit” (“CUP”) is “[a]n authorization to conduct a use or activity” as required under the Whitefish City Code; conditional uses requiring a CUP “require a special degree

The City passed Ordinance 18-09, containing the new PUD regulations, in April 2018.

¶8 As recommended by the Zoning Administrator, IO2.5 then filed a request with the City to amend Ordinance 99-9 to allow use of a CUP instead of a PUD to develop Area 2(c) and to further define the permitted uses. IO2.5 proposed the following amendment:

The remaining phases shall be reviewed under the provisions of Section 11-7-8: Conditional Use Permits. Uses permitted on Lot 2C (Lot 3 of the Plat of Riverside Senior Living Center) are as follows:

Any uses that are permitted or conditionally permitted in the underlying WR-4 district;

The following uses which are permitted or conditionally permitted in the City's WB-1 Limited Business District:

- Clubs
- Private and commercial recreational facilities
- Professional office
- Restaurant, excluding drive-ins, including on-premises beer/wine sales
- Retail sales and service (less than 4,000 square feet enclosed gross floor area per lot of record; no outside storage or display);

Any other uses for which justification can be derived on the basis that the use will be compatibly and harmoniously incorporated into the unitary design of the planned development.

A change of use within the Neighborhood Center to a use not specifically listed herein shall require an administrative Conditional Use Permit prior to occupancy.

¶9 In July 2018, City staff drafted a report ("Staff Report") regarding the application, describing the purpose of IO2.5's request as:

of control to make such uses consistent with and compatible to other existing or permissible uses in the same area." Section 11-9-2, Whitefish City Code.

provid[ing] the property owner a clear path for development to maintain the property's vested rights for neighborhood commercial [use] while preserving the public process when development of the property does occur. The previously approved [PUD] approved a portion of the property to develop as neighborhood commercial but set a condition that a new PUD would be required prior to the development.

The Staff Report stated that the new PUD regulations “only offered uncertainty for the developer,” and that “[u]sing the [CUP] continues to require a public process and a predictable development path for the property owner and the public.” It found that IO2.5's proposed amendment conformed to the Neighborhood Plan, which “established the character of the neighborhood”; it further found that changing the discretionary review process to a CUP would “not change the overall goals for this neighborhood,” nor would the amendment “in and of itself . . . change the character of the neighborhood. Retaining the ability for public review during development . . . will ensure neighborhood character through implementation of the Neighborhood Plan[.]” The Staff Report also indicated that it “directed the applicant to look at the City's WB-1 zoning district, as this is the City's neighborhood commercial district,” “[b]ecause the language in the Neighborhood Plan was not specific.” It recommended a standard CUP instead of an administrative CUP for any proposed development.⁴

¶10 The City Council notified the public and held two meetings on the issue on July 19 and August 6, 2018. The public, including Hartshorne and their counsel, submitted both

⁴ An administrative CUP involves a reduced public process, requiring notification only to property owners within 300 feet of the subject parcel, notice in a newspaper at least fifteen days prior to the permit's issuance, and the City's mitigation of public concerns through conditions of approval. If the City cannot mitigate such concerns through standard conditions of approval, it must hold a public hearing according to the standard CUP process. Section 11-7-8(M), Whitefish City Code.

written and oral comment, largely voicing lack of support for such an amendment; Hartshorne's summary judgment brief summarized the public's concerns as being "against specific commercial uses, such as clubs, bars, and/or restaurants contemplated for [Area 2(c)], as well as concerns about safety, traffic, wildlife and open space, and the conditional uses generally changing the quiet community feel of the development."

¶11 Following consideration of the application, the Staff Report, and the public's testimony, on August 6, 2018, the City Council approved IO2.5's request on the first reading of Ordinance 18-23. It then approved Ordinance 18-23 on August 20, 2018, directing the amendment of the official zoning map and permitting development of Area 2(c) through a CUP instead of a PUD. In addition to the uses permitted in the overlying WR-4 regulations, the ordinance included IO2.5's proposed permitted uses that would be subject to the CUP process: clubs; private and commercial recreational facilities; professional offices; restaurants, excluding drive-ins, including on-premises beer/wine sales; and retail sales and service (less than 4,000 square feet enclosed gross floor area per lot of record and no outside storage or display). It further permitted "[a]ny other uses for which justification can be derived on the basis that the use will be compatibly and harmoniously incorporated into the unitary design of the planned development." Finally, Ordinance 18-23 noted that it adopted as findings of fact the Staff Report and the Whitefish Planning and Building Department's letter of transmittal.

¶12 Hartshorne filed their complaint against the City of Whitefish and the Whitefish City Council (collectively, "the City") on September 18, 2018, seeking a declaratory judgment invalidating Ordinance 18-23 based on the adverse effect any

commercial development of Area 2(c) would have on the use and enjoyment of their properties and property values. The second amended complaint alleged eight counts, of which only two are at issue on appeal: spot zoning and violation of § 76-2-302(2), MCA. The District Court joined IO2.5 as a defendant, and IO2.5 filed a cross-claim against the City. The parties filed cross-motions for summary judgment, and on March 10, 2020, the District Court issued its Order. The court granted the City’s motion on all counts, except the claim that the ordinance violated the uniformity requirement found in § 76-2-302(2), MCA, on which it agreed with Hartshorne. The court declined to void the ordinance, however, and instead struck the defined conditional uses not otherwise existing under the WR-4 permitted uses, including clubs, restaurants, retail sales, and retail services. The court ruled IO2.5’s motion moot, and it denied IO2.5’s subsequent motion to alter or amend the judgment. IO2.5 appealed the District Court’s ruling on the uniformity requirement found in § 76-2-302(2), MCA, and Hartshorne cross-appealed the District Court’s ruling on the spot-zoning claim.⁵

STANDARDS OF REVIEW

¶13 We review a district court’s summary judgment ruling de novo, applying M. R. Civ. P. 56. *Wagner v. Woodward*, 2012 MT 19, ¶ 16, 363 Mont. 403, 270 P.3d 21

⁵ The City filed a response brief as Appellee, which included argument supporting IO2.5’s position on the uniformity requirement. Hartshorne filed a motion to strike the City’s brief and dismiss its appeal on the uniformity issue for failure to file a Notice of Appeal. We denied Hartshorne’s motion on January 26, 2021, concluding that it would be “inefficient to probe the merits . . . without having had the opportunity to review the briefs and record[.]” We have considered the City’s briefing on the uniformity requirement only to the extent its legal authority and analysis provide clarity to IO2.5’s argument and the applicable law. *See Montanans v. State*, 2006 MT 277, ¶ 18, 334 Mont. 237, 146 P.3d 759 (citing M. R. App. P. 4(b)).

(citation omitted). Summary judgment is appropriate when no genuine issues of material fact exist and the moving party is entitled to judgment as a matter of law. M. R. Civ. P. 56(c)(3); *Wagner*, ¶ 16 (citation omitted).

¶14 We review de novo a district court’s interpretation and application of a statute, including a county or city ordinance, to determine whether it is correct. *Wright v. Mahoney*, 2003 MT 141, ¶ 5, 316 Mont. 173, 71 P.3d 1195 (citations omitted); *DeVoe v. City of Missoula*, 2012 MT 72, ¶ 11, 364 Mont. 375, 274 P.3d 752 (citation omitted). For zoning decisions, we generally give deference to the decision of the local zoning board, limiting review to “whether the information upon which the decision maker based its decision was so lacking in fact and foundation as to be clearly unreasonable, thus constituting an abuse of discretion.” *DeVoe*, ¶ 10 (citation omitted); *Citizens for a Better Flathead v. Bd. of Cty. Comm’rs of Flathead Cty.*, 2016 MT 325, ¶ 42, 385 Mont. 505, 386 P.3d 567; *see also Lake Cty. First v. Polson City Council*, 2009 MT 322, ¶ 37, 352 Mont. 489, 218 P.3d 816 (“Zoning is a legislative enactment and thus is presumed to be valid and reasonable.”).

DISCUSSION

¶15 1. *Whether the District Court erred in ruling that Ordinance 18-23 did not constitute spot zoning.*

¶16 Spot zoning generally comprises “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners.” *State ex rel. Gutkoski v. Langhor*, 160 Mont. 351, 353, 502 P.2d 1144, 1145 (1972) (quoting *Thomas v. Town of Bedford*, 184 N.E.2d 285, 288 (1962)) (internal quotation marks omitted). Montana courts

use a three-part framework to determine whether impermissible spot zoning has occurred: (1) whether “the requested use is significantly different from the prevailing use in the area”; (2) whether “the area in which the requested use is to apply is rather small”; and (3) whether “the requested change is more in the nature of special legislation.” *Little v. Bd. of Cty. Comm’rs of Flathead Cty.*, 193 Mont. 334, 346, 631 P.2d 1282, 1289 (1981). The second and third elements of the *Little* test are analyzed together. *Boland v. City of Great Falls*, 275 Mont. 128, 134, 910 P.2d 890, 894 (1996). All three elements typically exist when spot zoning is present, though a court need not necessarily find all three elements for spot zoning to occur. *Little*, 193 Mont. at 346, 631 P.2d at 1289.

¶17 The District Court found the first element of the *Little* framework satisfied, noting that “there are no clubs, private and commercial recreational facilities, public restaurants including on-premises beer/wine sales, or retail sales and service in the Property’s neighborhood, leading to the conclusion that the scope of use that Ordinance 18-23 permits is significantly different from the prevailing use in the area.” It concluded, however, that while the area is small and the ordinance clearly benefits IO2.5, the second and third elements were not met because “as a matter of adopted policy under the Neighborhood Plan,” the commercial component “is deemed to be in the community interest.” Noting that § 11-2-3(B)(4), Whitefish City Code (“WCC”), designates that neighborhood plans serve as a guide for land use regulations, it stated the Neighborhood Plan “clearly provides that the Property was to be a Neighborhood Center with some commercial development to meet the demand for basic services created by the walking community and youth athletic facility.” The District Court thus concluded

Ordinance 18-23 “substantially complied with the growth policy and accordingly was not in the nature of special legislation.” Further, it noted that it had found no opinions of this Court “since the establishment of the *Little* framework where a zoning decision that complied with a neighborhood plan/comprehensive plan/master plan was found to be spot zoning.”

¶18 Hartshorne argues that the District Court erroneously applied the *Little* framework, which they contend courts must apply flexibly. They argue that Ordinance 18-23 constitutes impermissible spot zoning because it allows for commercial use in an area where the prevailing use is residential, Area 2(c) is small, and the ordinance benefits a single landowner at the expense of the surrounding landowners and the general public. Hartshorne contends the public comment on Ordinance 18-23 demonstrates that it was adopted at the expense of the public. They also contend that the ordinance does not substantially comply with the Neighborhood Plan because it allows for incompatible uses through a CUP rather than a PUD and because it permits IO2.5 to develop Area 2(c) with one hundred percent commercial use rather than the ten percent set forth in the Neighborhood Plan.

¶19 Growth policies, including neighborhood plans, must be a guiding policy for development in municipal zoning. *See* §§ 76-1-605(1)(c), 76-2-304(1)(a), MCA; § 11-2-3(B)(4), WCC (a neighborhood plan “shall serve as a specific guide to future land use regulations for the area” and “may limit or otherwise establish more restrictive land use regulations than set forth by the zoning classification of this title, in which case the more restrictive provisions of the plan shall control”); *see also Heffernan v. Missoula City*

Council, 2011 MT 91, ¶ 79, 360 Mont. 207, 255 P.3d 80 (“a governing body must substantially comply with its growth policy in making zoning decisions”). Compliance with such growth plans “is especially relevant to the third factor of the [*Little*] analysis.” *Helena Sand & Gravel, Inc. v. Lewis & Clark Cty. Planning & Zoning Comm’n*, 2012 MT 272, ¶ 31, 367 Mont. 130, 290 P.3d 691 (citation omitted). “The zoning is not ‘in the nature of special legislation’ if it substantially complies with the growth policy.” *Helena Sand & Gravel*, ¶ 31.

¶20 The District Court properly applied the three-part *Little* framework and did not err in rejecting Hartshorne’s claim of spot zoning. True, as commercial uses, the conditional uses differ from the prevailing residential use in the area. But the Neighborhood Plan—adopted well before Ordinance 18-23—specifically contemplated “commercial uses intended to be complimentary to the proposed development of the neighborhood.” *Compare, e.g., Little*, 193 Mont. at 347, 631 P.2d at 1290 (where a parcel was rezoned to allow for a regional mall in an area that the growth policy recommended as a medium-density residential area where the prevailing use of the area was ninety-nine percent residential). Ordinance 18-23’s permitted commercial uses thus were compatible with the Neighborhood Plan, weighing heavily against satisfaction of the second and third elements. Although the ordinance changed the discretionary review process from a PUD to a CUP, these planning tools are similar: both require public input and hearings in front of the Planning Board and City Council; and both require review of all proposed developments for neighborhood compatibility, adequate public infrastructure, mitigation of adverse impacts, and compliance with the growth policy. *See* §§ 11-7-8(J),

11-2S-8, WCC. We similarly find unpersuasive Hartshorne’s argument that the ordinance does not substantially comply with the Neighborhood Plan because it permits IO2.5 to develop Area 2(c) with one hundred percent rather than ten percent commercial use. All proposed developments still must go through the CUP process, during which the City must review the proposal for compliance with the Neighborhood Plan; that plan allows only ten percent of the site to be developed for commercial use. Thus, to the extent compliance with the growth policies is relevant to the issue of spot zoning, we agree with the District Court that Ordinance 18-23 “substantially complied” with the goals, objectives, and recommendations of the Neighborhood Plan. *See Heffernan*, ¶¶ 78-79.

¶21 Considering the ordinance’s compliance with the Neighborhood Plan, the District Court properly concluded the second and third *Little* elements were not met. Although Area 2(c) is a geographically small area, it is the same size as it was when the Neighborhood Plan designated it for mixed-use, before IO2.5 purchased it. Similarly, although IO2.5 owns the entirety of Area 2(c), “zone changes for property owned by one person are not always spot zoning pursuant to the *Little* test.” *Helena Sand & Gravel*, ¶ 31 (quoting *Greater Yellowstone Coal., Inc. v. Bd. of Cty. Comm’rs of Gallatin Cty.*, 2001 MT 99, ¶ 27, 305 Mont. 232, 25 P.3d 168). The fact that Ordinance 18-23 benefits IO2.5 is not sufficient to show the ordinance was enacted for the purpose of benefitting IO2.5 or at the expense of the general public. *See, e.g., N. 93 Neighbors, Inc. v. Bd. of Cty. Comm’rs of Flathead Cty.*, 2006 MT 132, ¶ 70, 332 Mont. 327, 137 P.3d 557 (concluding that the zoning amendment’s requested use complied with the growth policy and thus the landowner’s sole ownership of the parcel did not indicate the zoning amendment was

adopted at the expense of the surrounding landowners or the general public). Though the record shows the public comments on the ordinance were largely opposed, this does not necessarily mean the ordinance would be at the expense of the public, particularly when the Neighborhood Plan allowed for commercial uses in the area from its inception. What the ordinance changed was the manner by which the City would review any such proposals. The record demonstrates the Planning Board and City Council considered the comments but found that “it will be in the best interests of the City of Whitefish, and its inhabitants, to . . . allow the applicants to utilize a [CUP] rather than a PUD to develop [Area 2(c)] . . . and to define uses[.]”

¶22 We thus affirm the District Court’s ruling with respect to the spot zoning claim.

¶23 2. *Whether the District Court erred in ruling that Ordinance 18-23 violates the uniformity requirement of § 76-2-302(2), MCA.*

¶24 “For the purpose of promoting health, safety, morals, or the general welfare of the community,” a “local city or town council or other legislative body may divide the municipality into districts Within the districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.” Sections 76-2-301, 76-2-302(1), MCA. The “uniformity requirement” contained in § 76-2-302(2), MCA, provides: “All regulations must be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.” This model statutory provision ensures that all property owners are treated equally and that there is no improper discrimination or favoritism within one

district. *See, e.g., Jachimek v. Superior Court*, 819 P.2d 487, 489 (Ariz. 1991) (citing *Bartsch v. Planning & Zoning Comm’n of Trumbull*, 506 A.2d 1093, 1095 (Conn. 1986)).

¶25 The uniformity requirement arises from traditional “Euclidian” zoning principles, which separate incompatible land uses by dividing an area geographically into districts and specifying uses for each district. *See Citizens for a Better Flathead*, ¶ 35. But as a response to the more traditional and rigid “Euclidian zoning”, “float zoning” has emerged in Montana and other states to provide flexibility to zoning authorities. *Citizens for a Better Flathead*, ¶¶ 32, 35. “Unlike traditional zoning by mapped districts, a floating zone establishes a use classification in the zoning ordinance when adopted by a legislative body but the classification is not delineated on the zoning map until after a rezoning process[.]” *Citizens for a Better Flathead*, ¶ 33 (citations omitted). Zoning bodies implement floating zones through two steps: (1) they first pass zoning ordinances with specific zoning classifications for specific purposes, which are said to “float above the jurisdiction”; (2) they then apply the floating zone to a particular property through a map amendment, creating a geographic district. *Citizens for a Better Flathead*, ¶ 34.

¶26 The City has implemented “float zoning” instead of traditional “Euclidian” zoning. The Whitefish City Code first identifies various “use districts,” such as the WR-4 use district, each having a corresponding set of regulations. Section 11-2-1, WCC. These “use districts” are the “zoning classifications” that “float above” the zoning map. “The locations and boundaries of the use districts are [then] established as they are shown on . . . the official zoning map of the city of Whitefish[.]” Section 11-2-2, WCC. The amendment of the zoning map constitutes the second step of the process.

¶27 Hartshorne argued in its complaint and summary judgment motion that Ordinance 18-23 violated the uniformity requirement by treating “the Developer’s WR-4 zoned property differently than other WR-4 zoned property anywhere else in the City, and further treats the Developer’s residential PUD zoned property differently than other Residential PUD zoned property anywhere else in the City.” The District Court agreed, concluding without elaboration that Ordinance 18-23 violates the uniformity requirement “to the extent that the Ordinance permits conditional uses (*e.g.*, clubs, restaurants, retail sales and service) which are not permitted by WR-4 zoning.” Citing *Oberson v. USDA*, 2007 MT 293, ¶ 26, 339 Mont. 519, 171 P.3d 715, the court concluded, however, that “[t]he offending uses are not necessary to the integrity of Ordinance 18-23 and do not appear to have been the sole inducement to its enactment”; it thus struck only the “uses that do not comport with a WR-4 zone” and allowed the remainder of the ordinance to stand.

¶28 IO2.5 contends that Ordinance 18-23 does not violate § 76-2-302(2), MCA’s, uniformity requirement because Area 2(c) is its own zoning district and cannot be compared to other districts. It maintains that the “use districts” the WCC identifies are zoning classifications rather than districts, the equivalent of the “floating zones” discussed in *Citizens for a Better Flathead*. It argues that the “districts” described under § 76-2-302(2), MCA, are the geographical districts identified on the City’s zoning map, rather than the “use district” zoning classifications. IO2.5 concludes that it is only within one geographical district that uniformity is required, not within all zoning districts with the same zoning classification. Based on this reasoning, IO2.5 argues that Ordinance 18-23

does not violate the uniformity requirement because Ordinance 18-23 made Area 2(c) its own zoning district on the map.

¶29 We interpret statutes and ordinances based upon their plain language. *State v. Kelm*, 2013 MT 115, ¶ 22, 370 Mont. 61, 300 P.3d 687; *see* § 1-2-101, MCA (“the office of the judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted”). Terms and words are intended to be understood in their ordinary sense, and this Court assumes a legislative body used particular words for a particular reason. *State v. Alpine Aviation, Inc.*, 2016 MT 283, ¶ 11, 385 Mont. 282, 384 P.3d 1035; *Great N. Utils. Co. v. Public Serv. Comm’n*, 88 Mont. 180, 206, 293 P. 294, 299 (1930).

¶30 We agree with IO2.5 that the plain language of § 76-2-302(2), MCA, requires uniformity within the individual geographic districts identified on the City’s zoning map. Though Title 76, chapter 2, part 3, MCA, does not define the term “district,” it discusses the concept of a “district” as an “area” with “boundaries” and a “shape.” *See* §§ 76-2-302(1), 76-2-303, MCA. Similarly, it differentiates between “districts” and the “regulations” that may be applied to those districts. *See, e.g.*, § 76-2-304, MCA. Construing the language of § 76-2-302, MCA, in the context of the statute and the statutory scheme as a whole, *see* §§ 1-2-101, -106, MCA, we conclude that the “use districts” in the WCC establish the applicable regulations or zoning classifications rather than the “districts” on the City’s zoning map to which they are applied. The District Court thus erred by relying on the WR-4 use district classification, rather than a distinct geographic zoning area on the City’s zoning map, to apply § 76-2-302(2), MCA, to Ordinance 18-23.

¶31 Because Ordinance 18-23 rezoned Area 2(c) with a different review process, different permitted uses, and its own map amendment, Area 2(c) now constitutes its own zoning district. As the regulations within Area 2(c) are applied uniformly, the District Court erred in its conclusion that Ordinance 18-23 violates § 76-2-302(2), MCA.⁶

¶32 We thus reverse the District Court’s ruling striking the specified permitted uses not identified in the WR-4 classification.

CONCLUSION

¶33 The City of Whitefish acted within its discretion in enacting Ordinance 18-23. The District Court correctly concluded that Ordinance 18-23 substantially complied with the Neighborhood Plan and that the second and third *Little* elements were not satisfied. We accordingly affirm the District Court’s ruling with respect to Hartshorne’s spot zoning claim. The City did not violate § 76-2-302(2), MCA, when it rezoned Area 2(c) to maintain IO2.5’s opportunity to seek commercial development through a Conditional Use Permit after the Planned Unit Development process became unavailable. We accordingly reverse the District Court’s ruling striking the portion of Ordinance 18-23 that specified additional conditional uses.

/S/ BETH BAKER

⁶ To the extent Hartshorne and the District Court’s ruling take issue with Ordinance 18-23’s additional conditional uses that are not identified under the WR-4 regulations, this concern does not implicate § 76-2-302(2), MCA’s, uniformity requirement. As discussed, the geographic districts identified on the City’s zoning map are the “districts” within which § 76-2-302(2), MCA, requires uniformity. Through Ordinance 18-23’s zoning map amendment, Area 2(c) constitutes its own district and the additional conditional uses applied within it are uniform. Whether those conditional uses comply with the WR-4 regulations or will be approved once IO2.5 submits a CUP application are separate questions, outside the purview of § 76-2-302(2), MCA.

We Concur:

/S/ JAMES JEREMIAH SHEA

/S/ INGRID GUSTAFSON

/S/ DIRK M. SANDEFUR

/S/ LAURIE McKINNON

Traffic Analysis

Bay View Apartments & SF Attached Units Rezone

Project Description/Location: A 92-unit multi-family development has been proposed at the bend of Bay Drive and Huffman Avenue, including frontage along 2nd Street SW. The project location is adjacent to Garden Home Park and across Huffman Avenue from vacant land owned by Burlington Northern-Santa Fe Railroad. Residential properties abut the site on the south, as well as a single residential parcel at the southeast corner of 2nd Street SW and Huffman Avenue.

The site of a former 14-unit mobile home park, the developer is proposing a boundary line adjustment, re-zone and future flood plain modifications to accommodate the proposed development. The development proposal includes one three-story 36-unit building in the first phase along the western side of the subject property; one three-story 42-unit building in the second phase in the center of the subject property; and, a future seven duplex condominium buildings (14 units) in subsequent phases on the eastern portion of the site, near the Missouri River (dependent upon permitted floodplain modifications). To accommodate the proposed uses, the developer has requested a zone change from R-1 to M-2.

Existing Transportation Facilities: The property abuts Huffman Avenue/Bay Drive on the north and 2nd Street SW on the west. Huffman Avenue/Bay Drive is a standard-width Local roadway with curb and gutter with a stormwater inlet, but no sidewalks. 2nd Street SW is a sub-standard Local street, approximately 22 feet wide and not centered in the right-of-way, with no curb, gutter, sidewalk or stormwater conveyance. 2nd Street SW is stop-controlled with a stop sign at the intersection with Huffman Avenue (northbound).

Private utilities, both overhead and underground, occupy the east side of the right-of-way of 2nd Street SW. The west side of the right-of-way is used for property owner parking.

Current access to the mobile home park is through one unpaved approach connecting to 2nd Street SW and one connecting to Huffman Avenue. Additionally, three of the units have driveways directly off of 2nd Street SW.

10th Avenue SW, 2nd Street SW and a portion of Huffman Avenue/Bay Drive adjoining the subject property are designated as on-street bike routes, serving as a connection for bicyclists between the shared use sidewalk on 6th Street SW and the end of River's Edge Trail in Garden Home Park along Bay Drive.

Huffman Avenue/Bay Drive is classified as a Local roadway that serves industrial land uses as well as access to River's Edge Trail and Garden Home Park. Due to its through connection and the land uses it serves, the roadway has a higher volume of traffic than a residential Local street.

2nd Street SW is a lower volume Local street with a rural paved road section. It serves mainly residential uses, with some through-traffic to Bay Drive/Huffman Avenue, as well as the above-noted bicycle use. It is an extension of 10th Avenue SW, a Local residential street that connects to 6th Street SW. Travel lane widths are around 11 feet, each direction.

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Driveway Access: The developer has proposed one driveway onto 2nd Street SW and two onto Huffman Avenue/Bay Drive.

Travel Speeds: A speed study was performed in 2018 on Huffman Avenue, 2nd St SW and 10th Ave SW, and in 2023 on 10th Avenue SW. Table 1 summarizes the speeds travelled by 85% of the traffic.

TABLE 1

STREET SEGMENT	Average travel speed of 85% of all vehicles
10 th Ave. SW between 4 th & 6 th Sts. SW	29.58 MPH (2018) 26 MPH (2023) 19 MPH Average Speed (2023)
2 nd St. SW (south of Huffman Ave.)	23 MPH (2023) 15 MPH Average Speed (2023)
Huffman Ave. between Crescent Circle & 3 rd St. SW	31.50 MPH (2018)

Existing Traffic Volumes: There are two recently counted traffic volume count locations in the area, with 2022 data:

- 1) Huffman Avenue, at the railroad crossing just east of Crescent Circle; and,
- 2) Bay Drive, at the railroad crossing just east of the railroad shops (at the west end of the Missouri River railroad bridge).

Additionally, due to neighborhood interest in traffic, traffic counters were placed on 10th Ave. SW and 2nd St. SW to gather current traffic counts.

The traffic for each location is shown on **Table 2**, along with the expected growth from the development.

Trip Generation: Average trips can be estimated by using trip-generation rates obtained from actual studies. The rates vary, based upon time of day and type of land use. For the proposed development, there are two different proposed land-uses: Multifamily Housing (Low-Rise) and Single Family Attached Housing. To accurately characterize the traffic impact of the proposed development, it is important to also subtract the trips that were generated by the current or most recent use (Mobile Home Park).

To estimate trips, the *ITE Trip Generation Manual, 11th Ed.*, provides average weekday trip calculations as follows:

- 1) 78 units of Multifamily Housing (Low Rise) would be expected to generate an average of 6.74 trips per dwelling unit on a weekday, for a total estimated average of **526 trips** per weekday.
- 2) 14 units of Single-Family Attached Housing would be expected to generate an average of 7.20 trips per dwelling unit on a weekday, for a total estimated average of **101 trips** per weekday.

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- 3) 14 Mobile Home Park units would be expected to generate an average of 7.12 trips per dwelling unit on a weekday, for a total estimated average of **100 trips** per weekday. To assess the impact of the development, these trips are subtracted.

The total estimated increase in daily trips generated by the development is **527 average daily weekday trips**.

Traffic from the proposed development during “peak hour” – that is, the evening “rush hour” where traffic on the adjoining street is highest – is also an impact worth estimating. From the same source, the following “peak hour” traffic can be calculated as follows:

- 1) 78 units of Multifamily Housing (Low Rise) would be expected to generate an average of .51 trips per dwelling unit during the evening peak hour, for a total estimated average of **40 trips** per hour.
- 2) 14 units of Single-Family Attached Housing would be expected to generate an average of .18 trips per dwelling unit during the evening peak hour, for a total estimated average of **3 trips** per hour.
- 3) 14 Mobile Home Park units would be expected to generate an average of .58 trips per dwelling unit during the evening peak hour, for a total estimated average of **9 trips** per hour. To assess impact of the development, these trips are subtracted.

The total estimated increase in PM peak hour trips generated by the development is **34 average daily PM peak hour trips**.

Trip Distribution: Based upon the proposed location of the development’s buildings and driveways, the trips generated by the proposed development are estimated to be distributed as follows: 25% via 2nd Street SW/10th Avenue SW (south of the development); 40% via Huffman Avenue (west of the development); and, 35% via Bay Drive (north of the development.)

Summary of Existing and Estimated Future Traffic: Table 2 summarizes existing and projected vehicular traffic on streets adjoining the proposed development.

TABLE 2

STREET SEGMENT	DAILY VOLUME (DATE)	PROJECTED DAILY GROWTH	PROJECTED DAILY VOLUME	2023 PEAK HOUR VOLUME	PROJECTED PEAK HOUR GROWTH	PROJECTED PEAK HOUR VOLUME
Bay Drive (north of the development)	627 (2022)	185	812	n/a	12	n/a
Huffman Ave. (west of 2 nd St. SW)	810 (2022)	211	1,021	n/a	14	n/a
10 th Ave SW (btwn 4 th & 6 th Sts SW)	399 (2023)	132	531	52	9	61

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2 nd St SW (south of Huffman Ave)	333 (2023)	132	465	39	9	48
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Note: all numbers are vehicle trips per day or vehicle trips per hour

Pedestrian and Bicycle Facilities: The developer would be required to construct sidewalk adjacent to Huffman Avenue. Because of the rural nature of 2nd Street/10th Avenue SW, a sidewalk is not recommended. Due to the nearness of River's Edge Trail, the developer will be asked to connect the sidewalk to River's Edge Trail in Garden Home Park.

No specific bicycle improvements are required, but the developer is encouraged to consider placement of bike racks or secure bicycle storage on-site.

10th Avenue SW, 2nd Street SW and Huffman Avenue are designated as a bike route to connect bicyclists between 6th Street SW and the start of River's Edge Trail in Garden Home Park. In 2014, following citizen inquiries regarding the designation, a study was performed by City staff to determine if Huffman Avenue/Crescent Circle would be a more appropriate route for bicyclists. After gathering data and analyzing route characteristics, it was determined that the preferred on-street bicycle connection was via 10th Avenue SW/2nd Street SW, and recommended no modification to the route.

During a 2-day period in December 2023 (in good weather), 18 bicycles and 27 pedestrians were counted on 10th Ave. SW at the counter site between 4th St. SW and 6th St. SW. The number of bike/ped trips would be expected to increase somewhat due to the development, though there is no method for quantifying the increase. However, because there is no on-street parking along the route and generally low speeds and low traffic, the relatively small increase in traffic is anticipated to have little impact upon the continued safety and appropriateness of use of the route for bicyclists.

Recommendations/Conclusions: The projected roadway volumes are within the normal range for a residential Local roadway (2nd Street SW/10th Ave SW) and a non-residential Local roadway (Huffman Avenue/Bay Drive) and, therefore, the existing street network has sufficient capacity to accommodate the projected growth.

Construction of either a 10-foot shared-use path or a standard 5-foot sidewalk connecting to the trailhead in Garden Home Park will provide safe pedestrian and bicycle connection to the recreational amenity. Staff recommends a 10-foot shared-use path connection to safely accommodate both pedestrians and bicyclists, both of whom are expected to use the nearby trail for recreational and safe commuter travel. Without a wider connection, bicyclists from the development would need to use the roadway to connect to River's Edge Trail.

Because of utility conflicts and concerns about stormwater conveyance, the City should consider deferring the construction of a sidewalk along the property's 2nd Street SW frontage until the street itself is brought to full City standards.

Provision of bicycle storage facilities at each of the multi-family buildings is recommended and encouraged.

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To enhance safety, stop signs should be placed by the developer at all driveways.

Finally, posted speeds are appropriate for the area roadways. The 85th percentile of travel speeds are slightly higher or slightly lower than posted speed limits, and the average speeds are less than the posted limits.

Existing Street Photo Inventory:

Bay Drive looking east from intersection of 2nd St SW



Huffman Avenue looking west from intersection of 2nd St SW



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2nd St SW Looking south (subject property to the left of photo)



2nd St SW looking north (subject property to the right of photo)



ATTACHMENT D

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10th Ave SW looking east



10th Ave SW looking west

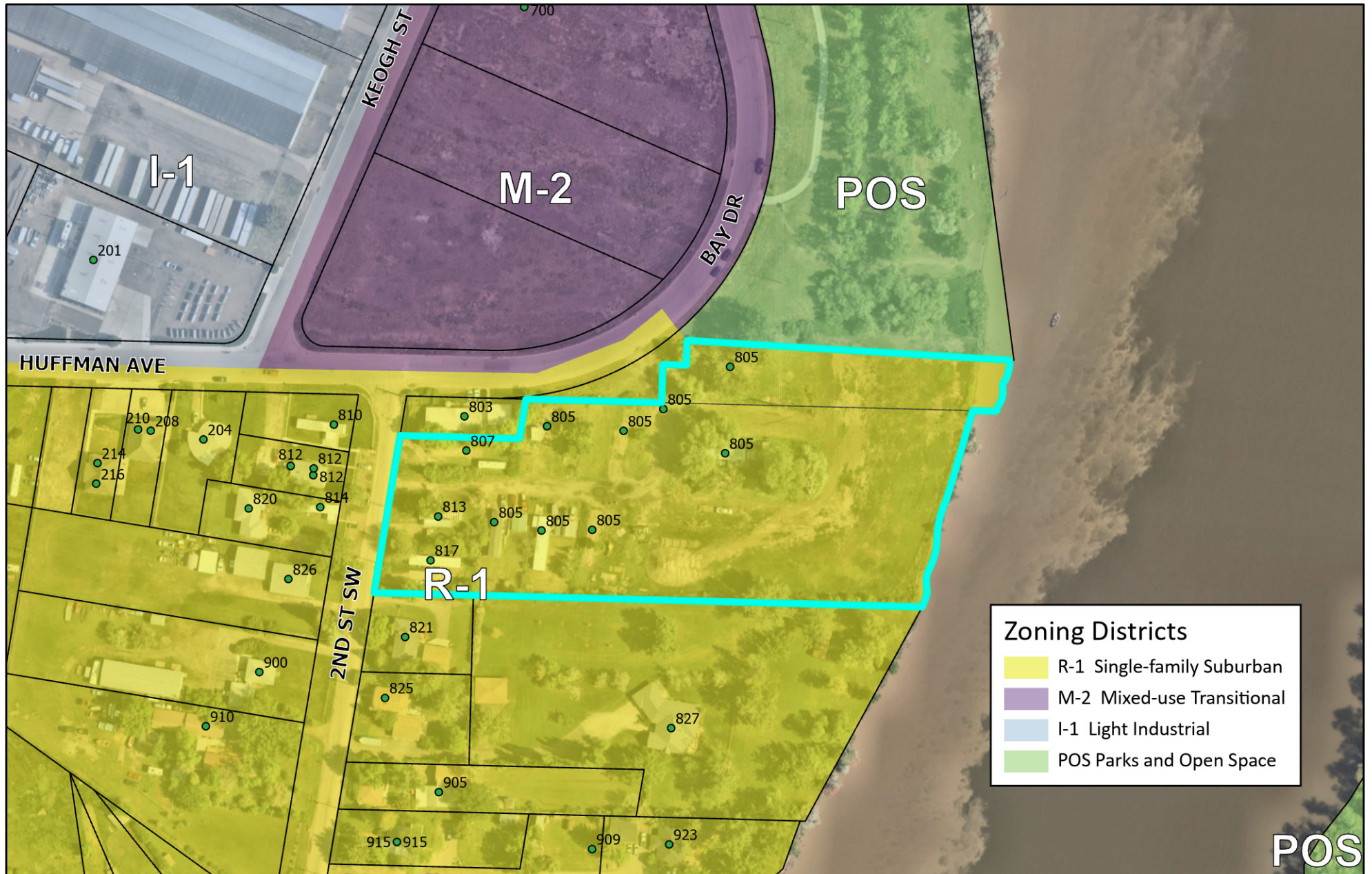




-  Parcels
-  Subject Property



Zoning Map



Zoning Districts

- R-1 Single-family Suburban
- M-2 Mixed-use Transitional
- I-1 Light Industrial
- POS Parks and Open Space

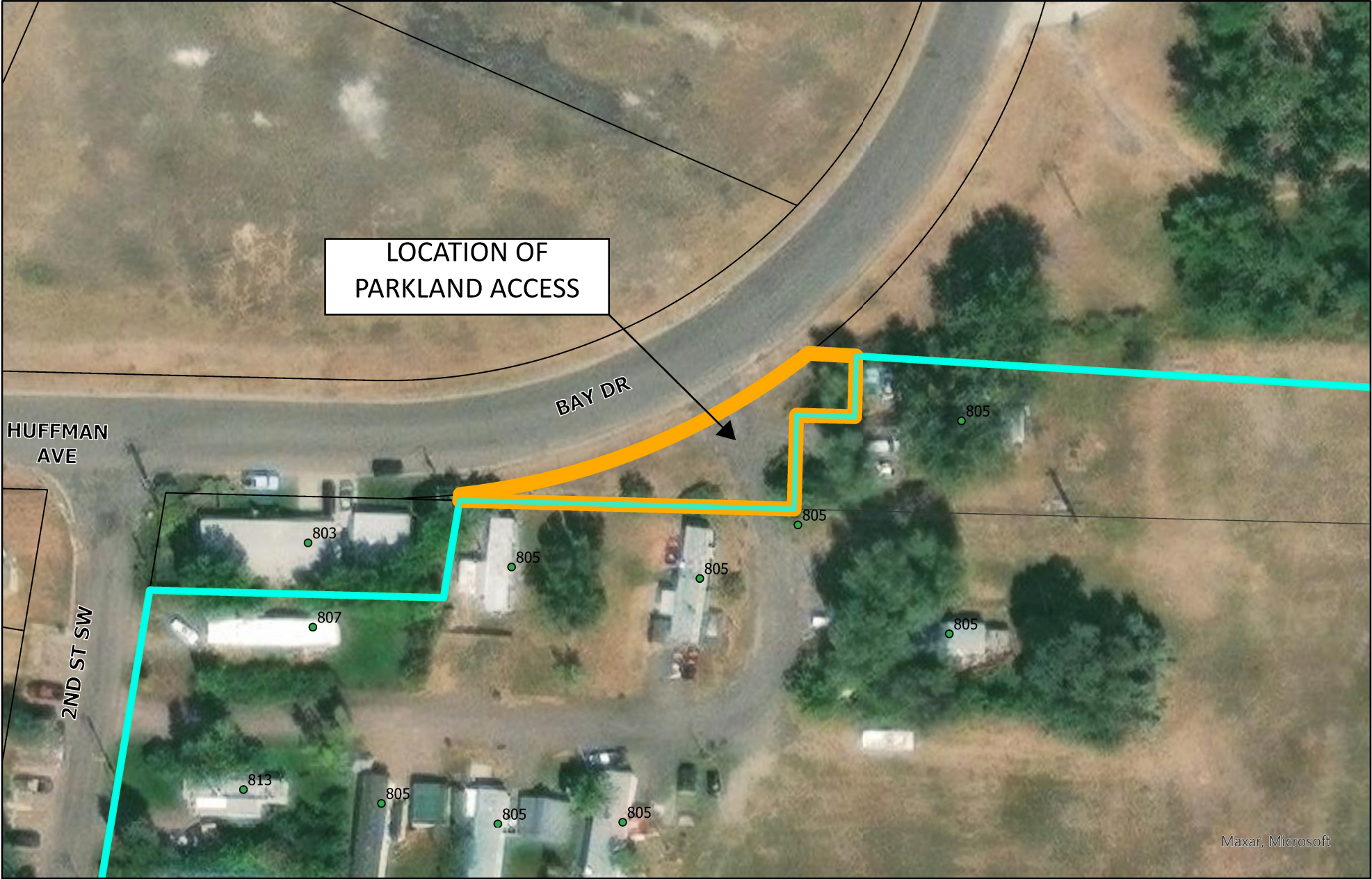


 Parcels
 Subject Property

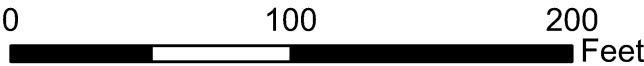
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Parkland Access Exhibit



- Parcels
- Subject Property
- Parkland Access



Title 17 - LAND DEVELOPMENT CODE
Chapter 20 - LAND USE
Article 3 ALLOWABLE USES

Article 3 ALLOWABLE USES

Sections:

17.20.3.010 Allowable uses within zoning districts.

For the purposes of this Title, land uses are categorized as principal, accessory, and temporary. The land uses that are allowable in one (1) or more districts are defined in Chapter 8 of this Title. Exhibit 20-1 through 20-3 lists the uses as allowed in one (1) or more base zoning districts. The coding system, as described below, is used to identify the appropriateness of the land uses in each of the various base districts and the type of review if allowed.

"P" indicates that the use is permitted in the district by right, provided that all other provisions of this Title are met. These uses do not undergo public review, but are reviewed at the administrative level to ensure compliance.

"-" indicates that the use is not permitted in the district.

"C" indicates that the use is permitted in the district as a conditional use.

17.20.3.020 Similarity of uses.

Because the list of uses cannot include every conceivable type of activity, those uses that are listed shall be interpreted to include other uses that are of a similar nature and have similar impacts to the listed use.

17.20.3.030 Uses not listed.

Those uses not listed, and which cannot be interpreted to be similar to any listed use, as provided for above, shall be prohibited.

17.20.3.040 Project classified in more than one (1) land use category.

In the event that the proposed project includes more than one (1) land use category, the following rules shall apply:

1. **Prohibited and allowable uses in project.** If a proposed project includes both an allowable use(s) and a prohibited use(s), the prohibited portion of the project may not occur in the district.
2. **More than one (1) review type or development standard in project.** If a proposed project includes more than one (1) use, with different levels of approval, the strictest of the approval procedures shall apply to the whole project.

17.20.3.050 Relationship of a principal use to an accessory use.

Before an accessory use may be established, the premises shall host a principal use.

17.20.3.060 Certain land uses shown as permitted may be a conditional use.

A permitted land use (as shown in Exhibit 20-1, 20-2, 20-3) that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.

Exhibit 20-1. Principal Uses by District

Use	R-1	M-2	Special Standards
Agriculture, horticulture, nursery	P	-	17.20.6.005
Marijuana cultivation	-	-	
Mobile home/park	-	-	17.20.6.010
Residence, single-family detached	P	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	P	17.20.6.060
Retirement home	-	P	
Community residential facility, type I	P	P	
Community residential facility, type II	C	C	
Day care center	C	P	
Emergency shelter	-	C	
Family day care home	P	P	
Group day care home	P	P	
Nursing home	-	P	
Campground	-	-	17.20.6.070
Hotel/motel	-	P	

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

Small equipment rental	-	-	
General repair	-	-	
Vehicle fuel sales	-	-	
Vehicle repair	-	-	17.20.6.120
Vehicle sales and rental	-	-	
Vehicle services	-	P	
Agricultural commodity storage facility	-	-	
Climate controlled indoor storage	-	P	
Fuel tank farm	-	-	
Marijuana transporter	-	-	
Mini-storage facility	-	C	17.20.6.130
Freight terminal	-	-	
Warehouse	-	C	
Casino	-	-	
Indoor entertainment	-	C	
Indoor sports and recreation	-	C	
Golf course/driving range	C	-	
Miniature golf	-	C	
Outdoor entertainment	-	-	
Park	P	P	
Recreational trail	P	P	
Administrative governmental center	-	P	

Animal shelter	-	C	17.20.6.160
Cemetery	C	-	17.20.6.170
Civic use facility	C	P	
Community center	C	P	
Community cultural facility	C	P	
Community garden	P	P	17.20.6.175
Public safety facility	C	P	
Worship facility	C	P	17.20.6.180
Health care clinic	-	P	
Health care facility	-	C	
Health care sales and services	-	P	
Commercial education facility	-	P	
Educational facility (K—12)	C	C	17.20.6.200
Educational facility (higher education)	-	C	
Instructional facility	-	P	
Composting facility	-	-	17.20.6.210
Recycling center	-	-	17.20.6.220
Solid waste transfer station	-	-	17.20.6.230
Amateur radio station	P	-	17.20.6.240
Telecommunication facility			17.20.6.250
Concealed facility	C	P	
Unconcealed facility	-	C	
Co-located facility	-	C	
Utility installation	C	C	

Airport	-	-	
Bus transit terminal	-	C	
Heli-pad	-	C	17.20.6.260
Parking lot, principal use	-	P	
Parking structure	-	P	
Railroad yard	-	-	
Taxi cab dispatch terminal	-	P	
Contractor yard, type I	C	P	17.20.6.270
Contractor yard, type II	-	C	17.20.6.280
Artisan shop	-	P	
Industrial, heavy	-	-	
Industrial, light	-	-	
Industrial park	-	-	
Junkyard	-	-	17.20.6.290
Light manufacturing and assembly	-	P	17.20.6.300
Marijuana manufacturing	-	-	
Marijuana testing laboratory	-	-	
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. 3259 , 2023; Ord. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3166, 2017; Ord. 3087, 2012; Ord. 3068, 2011; Ord. 3056, 2010)

Exhibit 20-2. Accessory uses by district

Use	R-1	M-2	Special Standards
Accessory living space	P	P	17.20.7.010
Agriculture, livestock	P	-	17.20.7.080
ATM, exterior	-	P	17.20.7.020
Bed and breakfast	C	P	17.20.7.030
Fences	P	P	17.20.7.040
Gaming, accessory	-	P	17.20.7.050
Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Private stable/barn	P	-	17.20.7.080
Residence, accessory	-	P	17.20.7.085
Roadside farmer's market	P	-	17.20.7.090
Storage containers	-	-	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. 3251 , 2022; Ord. 3249 , 2022; Ord. 3087, 2012; Ord. 3056, 2010; Ord. 3034, 2009)

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

Use	R-1	M-2	Special Standards
Garage sales	P	P	17.20.8.015
Itinerant outdoor sales	-	P	17.20.8.020
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	P	17.20.8.040
Outdoor entertainment, temporary	-	-	
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. 3251 , 2022; Ord. 3249 , 2022; Ord. 3221 , 2020; Ord. 3056, 2010)

17.20.3.070 Prohibited land uses.

No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law, except for land uses relating to activities licensed by the Montana Department of Revenue under the Montana Marijuana Regulation and Taxation Act and identified as allowed in 17.20.3.010 and its accompanying exhibits.

(Ord. 3249 , 2022; Ord. 3054, 2010)

Title 17 - LAND DEVELOPMENT CODE
Chapter 20 - LAND USE
Article 4 LOT AREA AND DIMENSIONAL STANDARDS

Article 4 LOT AREA AND DIMENSIONAL STANDARDS

Sections:

17.20.4.010 Generally.

Lots and buildings shall conform to the dimensional standards specified in Exhibit 20-4.

17.20.4.020 Exceptions.

The following are exemptions to the standards:

1. The requirements for the rear yard on through lots do not apply when the area of such required rear yard is provided elsewhere on the lot.
2. Every part of a required yard shall be open from its lowest points to the sky unobstructed, except for the projections of sills, belt courses, cornices, and ornamental features not to exceed four (4) inches.
3. Open or lattice enclosed fire escapes, fireproof outside stairways, and solid floored balconies opening upon fire towers, projecting into a yard not more than five (5) feet or into a court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues shall be permitted where the same are so placed as not to obstruct the light and ventilation.
4. An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the width of the main part of the house.
5. Steps and eaves are allowed to encroach into the front and side yard setbacks.

Exhibit 20-4. Development standards for residential zoning districts

(See footnotes below for additional standards)

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side	Principal building: 8 feet each side	Principal building: 6 feet each side	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side	n/a
Minimum rear yard setback	20 feet for lots less than 150 feet in depth; 25 feet for lots 150	15 feet for lots less than 150 feet in depth; 20 feet for lots 150	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150	n/a

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(Supp. No. 18)

	feet in depth and over	feet in depth and over	feet in depth and over	feet in depth and over		feet in depth and over	
Maximum lot coverage of principal and accessory structures	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none
Detached Garages and other Accessory Structures							
Maximum building height	24 feet	24 feet	24 feet	24 feet	24 feet	24 feet	16 feet
Minimum front yard setback [5]	30 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	20 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	15 feet, but may not be closer to the front lot line than the principal structure	10 feet, but may not be closer to the front lot line than the principal structure	n/a
Minimum side yard setback	5 feet	5 feet	5 feet	4 feet; 8 feet if adjoining an R-1, R-2, R-3 district	5 feet; 10 feet if adjoining an R-1, R-2, R-3 district	5 feet	n/a
Minimum rear yard setback	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet	5 feet

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards, but must conform to all standards found in 17.20.7.060. (Ord. 3232 , 2021)

[2] See Section 17.20.6.020 for side yard requirements for zero lot line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces. (Ord. 3232 , 2021; Ord. 2950, 2007)

[3] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location. (Ord. 3232 , 2021)

[4] For townhomes, see Section 17.20.6.050 for additional and superseding requirements. (Ord. 3232 , 2021)

[5] If a principal structure is located greater than 50 feet from the front lot line, the accessory structure may be located closer to the front lot line, provided that the accessory structure meets the minimum front yard setback. (Ord. 3232 , 2021)

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. 18)

	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)

BAY VIEW APARTMENTS

A Mixed-Use Development in Great Falls, Montana

Land Use Application Submittal

<i>Revision</i>	<i>Date</i>
Zoning Map Amendment Submittal	08/09/2022
Zoning Map Amendment Resubmittal	09/21/2023
Zoning Map Amendment Resubmittal	11/08/2023

Prepared for:

Craig and Robert Stainsby
715 4th Ave N
Great Falls, MT 59401

405 Third Street NW, Suite 206
Great Falls, MT 59404
(406) 761-1955

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

3860 O'Leary Street, Suite A
Missoula, MT 59808
(406) 203-0869

LAND USE APPLICATION SUBMITTAL
Bay View Apartments
November 8, 2023



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The following headings follow the “Land Use Application Checklist” that was determined to be required for submittal from the City of Great Falls Planning and Community Development Department. The checklist was supplied to Woith Engineering on May 31st, 2023. See Appendix A for the signed Land Use Checklist.

1. ZONING MAP AMENDMENT (TABLE 3)

1.A. AERIAL EXHIBIT

See the Site Plan in Appendix B.

1.B. NARRATIVE OF THE REZONE

The proposed development will be comprised of a portion of the current Lot 1A of the Garden Home Tracts Subdivision. After a boundary line relocation, there will remain a total of two lots, with Lot 1A being 1.27-acres and Lot 2A being 3.19-acres. The intention for the rezone on Lot 1A is to place a 36-unit multi-family apartment building and accompanying site and utility improvements. The intention of the rezone on Lot 2A is for a similar 42-unit multi-family apartment building, along with townhouse residences. The current zoning of the Garden Home Tracts Subdivision is Single-family Suburban Residential (R-1). This proposal would include rezoning Lot 1A and 2A to Mixed-use Transitional (M-2). Surrounding and nearby zoning includes R-1, M-2, and Parks and Open Space (POS). The following sections outline the preliminary details of this proposed development.

This proposed phase of development will be the first of a multi-phase expansion to the east. This expansion to the east, Lot 2A, will cross into the “Special Flood Hazard Areas (SFHA’s) Subject to Inundation by the 1% Annual Chance Flood” Zone AE – Base Flood Elevations Determined. The owner and design team are currently working on filling a Conditional Letter of Map Revision (CLOMR) with FEMA in order to fill within the floodplain for the future phases. This first phase work on Lot 1A does not cross into Zone AE. This zoning map amendment applies to the 1.27-acre Lot 1A and the 3.19-acre Lot 2B.

1.C. SITE PLAN

See the Site Plan in Appendix B.

1.D. CONCEPTUAL PLANS FOR PUBLIC INFRASTRUCTURE

See the Site Plan in Appendix B.

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1.E. PRELIMINARY SOILS/GEOTECHNICAL INFORMATION

See Appendix C.

1.F. ESTIMATED WATER AND WASTEWATER DEMAND/DISCHARGE

Water Usage:

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

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

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

The average daily domestic demand is calculated as follows:

Projected Max Number of Tenants: (assuming 2 tenants per unit)

Projected Max Number of Tenants: $(36 \times 2) + (42 \times 2) + (14 \times 2) = 184$ Tenants

$D_{DOM} = 184 \text{ residences} \times 100 \text{ gpd (gallons per day)} = \mathbf{18,400 \text{ gpd}}$

The average daily irrigation demand during the summer months is calculated as follows (assuming all areas outside of the building and parking lot area are irrigated):

$$D_{IRR} = \left(\frac{2''}{\text{week}}\right) \left(\frac{1'}{12''}\right) \left(\frac{7.48 \text{ gal}}{\text{ft}^3}\right) \left(\frac{\text{week}}{7 \text{ days}}\right) (72,000 \text{ ft}^2 \text{ landscaping}) = \mathbf{12,823 \text{ gpd}}$$

Thus, the total average daily demand during the summer months, when water usage will be at its most severe, is **31,223 gpd**.

Wastewater Discharge:

The peak sanitary sewer design flow for the development was estimated using the wastewater flow rates outlined in Section 3.1 of Montana Department of Environmental Quality Circular 4. An average of 2 persons per living unit was used to calculate the total design flow for the proposed multi-family units. The proposed development will include 92-units. The average daily usage per person for the apartment will be 100 gallons per day (DEQ-4).

The peak design flow, including domestic and commercial demands was calculated based on the following assumptions:

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

The average daily domestic demand is calculated as follows:

Projected Max Number of Tenants: $(92 \times 2) = 184$ Tenants (0.184 in thousands)

$$\text{Peaking Factor} = \frac{18 + \sqrt{P}}{4 + \sqrt{P}} = \frac{18 + \sqrt{0.184}}{4 + \sqrt{0.184}} = 4.16$$

$$D_{\text{DOM}} = 184 \text{ residents} \times 100 \text{ gpd} \times 4.16 = \mathbf{76,544 \text{ gpd}}$$

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

$$Q_{\text{max}} = 76,544 \text{ gpd} \times \left(\frac{0.13 \text{ cf}}{\text{gal}} \right) \times \left(\frac{\text{day}}{86,400 \text{ sec.}} \right) = \mathbf{0.115 \text{ cfs}}$$

1.G. PRELIMINARY DRAINAGE PLAN

See the Site Plan in Appendix B.

1.H. SPECIAL FUNDING PROPOSAL

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

1.I. PRELIMINARY EASEMENTS

Utility easements will be shown for needed routes with power and telecommunication companies. Coordination with said entities is currently occurring. These easements will be shown on the final COS.

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APPENDIX A

Land Use Application and Checklist

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

LAND USE APPLICATION

Bay View Apartments

Name of Project (If applicable):

805 2nd St SW, Great Falls, MT 59404

Project Address:

Craig and Robert Stainsby

Applicant/Owner Name:

715 4th Ave N, Great Falls, MT 59401

Mailing Address:

406-868-3467

rstains@hotmail.com

Phone:

Email:

Woith Engineering

Representative Name:

406-205-1761

robert@woitheng.com/spencer@woitheng.com

Phone:

Email:

- ☐ Annexation by Petition: \$500
- ☐ Preliminary Plat, Major: \$1,500 + \$50/lot
- ☐ Final Plat, Major: \$1,500 + \$25/lot
- ☐ Minor Subdivision: \$1,250
- ☒ Zoning Map Amendment: \$2,000
- ☐ Conditional Use Permit: \$1,500
- ☐ Planned Unit Development: \$2,000
- ☐ Amended Plat, Non-administrative: \$1,000

LEGAL DESCRIPTION:

Lot A of Lot 1A of the Amended Plat of Lot 1 Garden Home Tracts and Certificate of Survey 4153

Lot/Block/Subdivision:

11/20N/R3E

Section/Township/Range:

ZONING (ZONING MAP AMENDMENT ONLY):

R-1

M-2

Current:

Proposed:

LAND USE (CONDITIONAL USE ONLY):

Mobile Home Park

Multi-Family

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.

Applicant/Owner's Signature:

Date:

08/08/2023

Representative's Signature:

Date:

Land Use Application Checklist

All applicants are required to complete and submit the Land Use Application, associated fee, checklist, and required material per the checklist for the proposed development. This fee is non-refundable whether the request is approved or not. No processing will be performed until this fee has been paid. The applicant will also be responsible for the costs associated with publishing the legal ad. Per the Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code, applicants requesting any of the following developments noted in the chart below are required to have a pre-submittal meeting with City Staff. Further, when directed by the City, the applicant will be required to present the proposed development to the Neighborhood Council.

APPLICANT SHALL SUBMIT ALL INFORMATION THAT IS MARKED REQUIRED BY STAFF FOR A COMPLETE SUBMITTAL

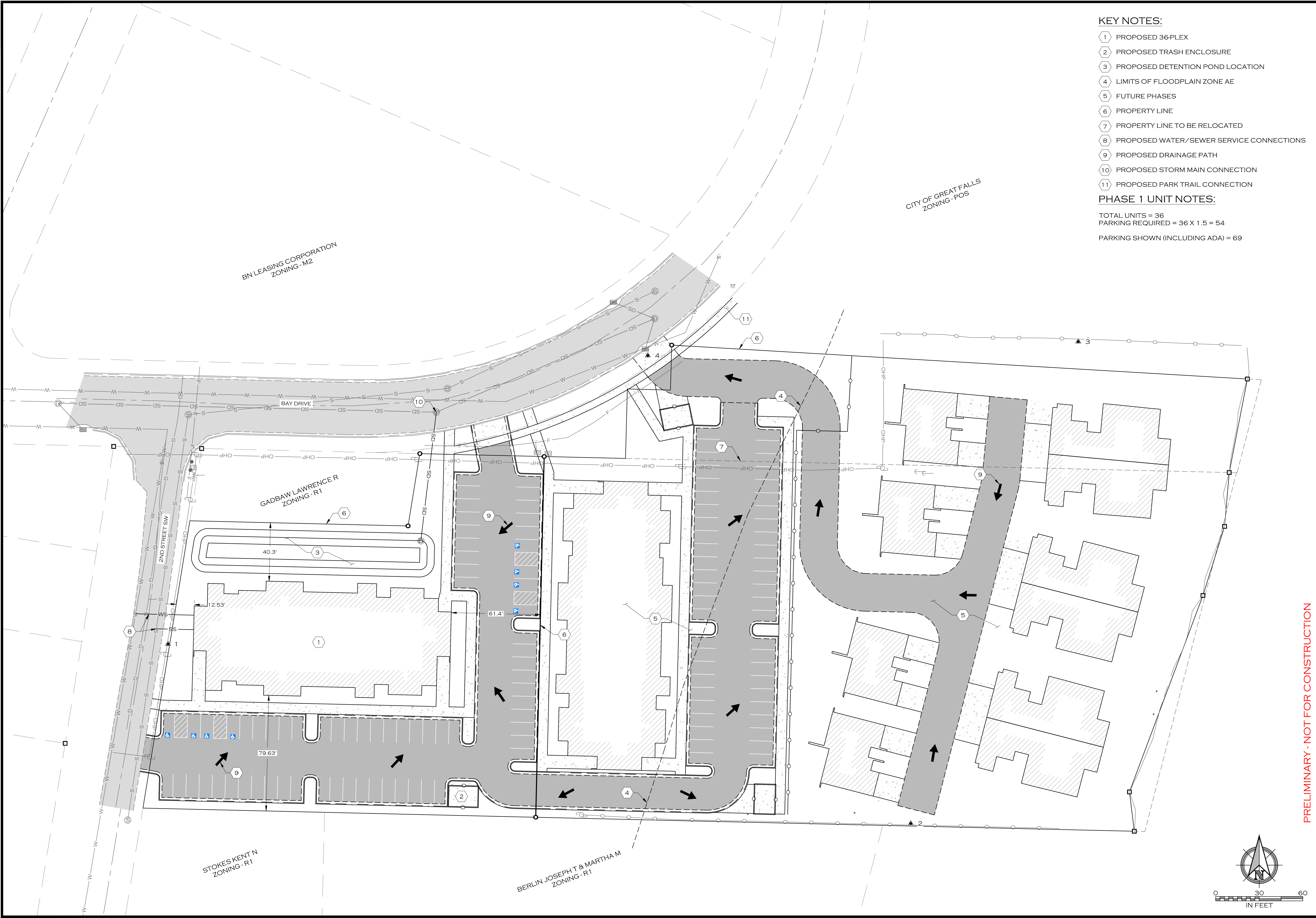
Completeness Checklist		Req.	App.	Staff
Annexation by Petition	Annexation requires an aerial exhibit or an amended plat/certificate of survey of the property to be annexed. Applicant is also required to submit a narrative of the proposed use of the property to be annexed and the requested zoning to be established.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Preliminary Plat, Major Subdivision	All major subdivisions require the approval of a preliminary plat. Submittal for the preliminary plat process also requires a narrative of the project as well as submittal of all information outlined in Table 1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final Plat, Major Subdivision	A final plat is required for each phase of a major subdivision. Submittal for final plat also requires submittal of all information outlined in Table 2. This information shall be submitted before the project will be put on an agenda for the Planning Advisory Board. Before a final plat can be recorded, all information noted in Table 2 must be approved.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Minor Subdivision	All minor subdivisions require a narrative of the project and a site plan showing compliance with the Development Standards as stated in the OCCGF as well as submittal information to show compliance with stormwater regulations (See Table 3), and a minor subdivision plat (See Table 2).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zoning Map Amendment	Zoning map amendments require an exhibit of all properties to be proposed for the rezone, a narrative explaining the reasons for the rezone request, as well as submittal information to show compliance with stormwater regulations (See Table 3).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditional Use Permit	A conditional use permit requires a narrative explaining the project and the reason for the request of a conditional use permit along with a site plan of the project (See Table 3).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Planned Unit Development	A planned unit development request requires the submittal of a narrative explaining the project and reason for the request of a planned unit development. The submittal also requires the applicant to provide requested development standards that differ from those put forth in the OCCGF, a site plan showing the requested standards, as well as submittal information to show compliance with stormwater regulations (See Table 3).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amended Plat, Non-Administrative	Any amended plat altering six or more lots is required per State Statute to be reviewed by the governing body. This submittal requires a narrative of the project and an amended plat (See Table 2 for requirements).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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APPENDIX B

Site Plan and Site Renderings



- KEY NOTES:**
- 1 PROPOSED 36-PLEX
 - 2 PROPOSED TRASH ENCLOSURE
 - 3 PROPOSED DETENTION POND LOCATION
 - 4 LIMITS OF FLOODPLAIN ZONE AE
 - 5 FUTURE PHASES
 - 6 PROPERTY LINE
 - 7 PROPERTY LINE TO BE RELOCATED
 - 8 PROPOSED WATER/SEWER SERVICE CONNECTIONS
 - 9 PROPOSED DRAINAGE PATH
 - 10 PROPOSED STORM MAIN CONNECTION
 - 11 PROPOSED PARK TRAIL CONNECTION
- PHASE 1 UNIT NOTES:**
- TOTAL UNITS = 36
PARKING REQUIRED = 36 X 1.5 = 54
PARKING SHOWN (INCLUDING ADA) = 69

GREAT FALLS		MONTANA		GARDEN HOME TRACTS DEVELOPMENT		PRELIMINARY - NOT FOR CONSTRUCTION	
LAND USE EXHIBIT		EX-A		WOITH ENGINEERING, INC.		ENGINEERS & SURVEYORS	
405 3RD STREET NW, SUITE 206 - GREAT FALLS, MT 59404 - 406-761-1955		3000 CLARY STREET NW, SUITE 100 - GIBSONIA, PA 15110 - 412-339-5555		WWW.WOITHENGINE.COM		COPYRIGHT © WOITH ENGINEERING, INC. 2022	
JOB #:		DRAWN:		DESIGN:		QA:	
GF-2216		TDL/RLO		TDL/RLO		RLO/SWW	
DATE:		DATE:		DATE:		DATE:	
01/29/2024		01/29/2024		01/29/2024		01/29/2024	
DESCRIPTION		DATE		DATE		DATE	
#		#		#		#	







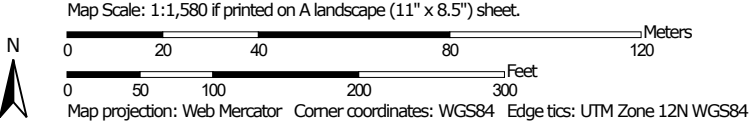
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APPENDIX C


Preliminary Geotechnical Report

Soil Map—Cascade County Area, Montana



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cascade County Area, Montana

Survey Area Data: Version 18, Aug 26, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 6, 2021—Sep 30, 2021

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
96	Havre loam	10.2	89.7%
237	Water	1.2	10.3%
Totals for Area of Interest		11.4	100.0%

Cascade County Area, Montana

96—Havre loam

Map Unit Setting

National map unit symbol: cgvs

Elevation: 2,800 to 3,700 feet

Mean annual precipitation: 11 to 19 inches

Mean annual air temperature: 37 to 45 degrees F

Frost-free period: 105 to 135 days

Farmland classification: Prime farmland if irrigated

Map Unit Composition

Havre and similar soils: 90 percent

Minor components: 10 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Havre

Setting

Landform: Flood plains

Down-slope shape: Linear

Across-slope shape: Linear

Typical profile

A - 0 to 8 inches: loam

C - 8 to 60 inches: stratified fine sandy loam to clay loam

Properties and qualities

Slope: 0 to 2 percent

Depth to restrictive feature: More than 80 inches

Drainage class: Well drained

Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.57 to 1.98 in/hr)

Depth to water table: More than 80 inches

Frequency of flooding: NoneRare

Frequency of ponding: None

Calcium carbonate, maximum content: 5 percent

Maximum salinity: Nonsaline to very slightly saline (0.0 to 3.0 mmhos/cm)

Available water supply, 0 to 60 inches: High (about 9.7 inches)

Interpretive groups

Land capability classification (irrigated): 2e

Land capability classification (nonirrigated): 3e

Hydrologic Soil Group: B

Ecological site: R046XP801MT - Bottomland Group,
R052XN161MT - Silty (Si) 10-14" p.z.

Hydric soil rating: No

Minor Components**Korent***Percent of map unit:* 4 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R052XN161MT - Silty (Si) 10-14" p.z.*Hydric soil rating:* No**Ryell***Percent of map unit:* 3 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R052XN161MT - Silty (Si) 10-14" p.z.*Hydric soil rating:* No**Rivra***Percent of map unit:* 3 percent*Landform:* Flood plains*Down-slope shape:* Linear*Across-slope shape:* Linear*Ecological site:* R046XC507MT - Shallow to Gravel (SwGr) RRU
46-C 13-19 PZ*Hydric soil rating:* No**Data Source Information**

Soil Survey Area: Cascade County Area, Montana

Survey Area Data: Version 18, Aug 26, 2022

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APPENDIX D

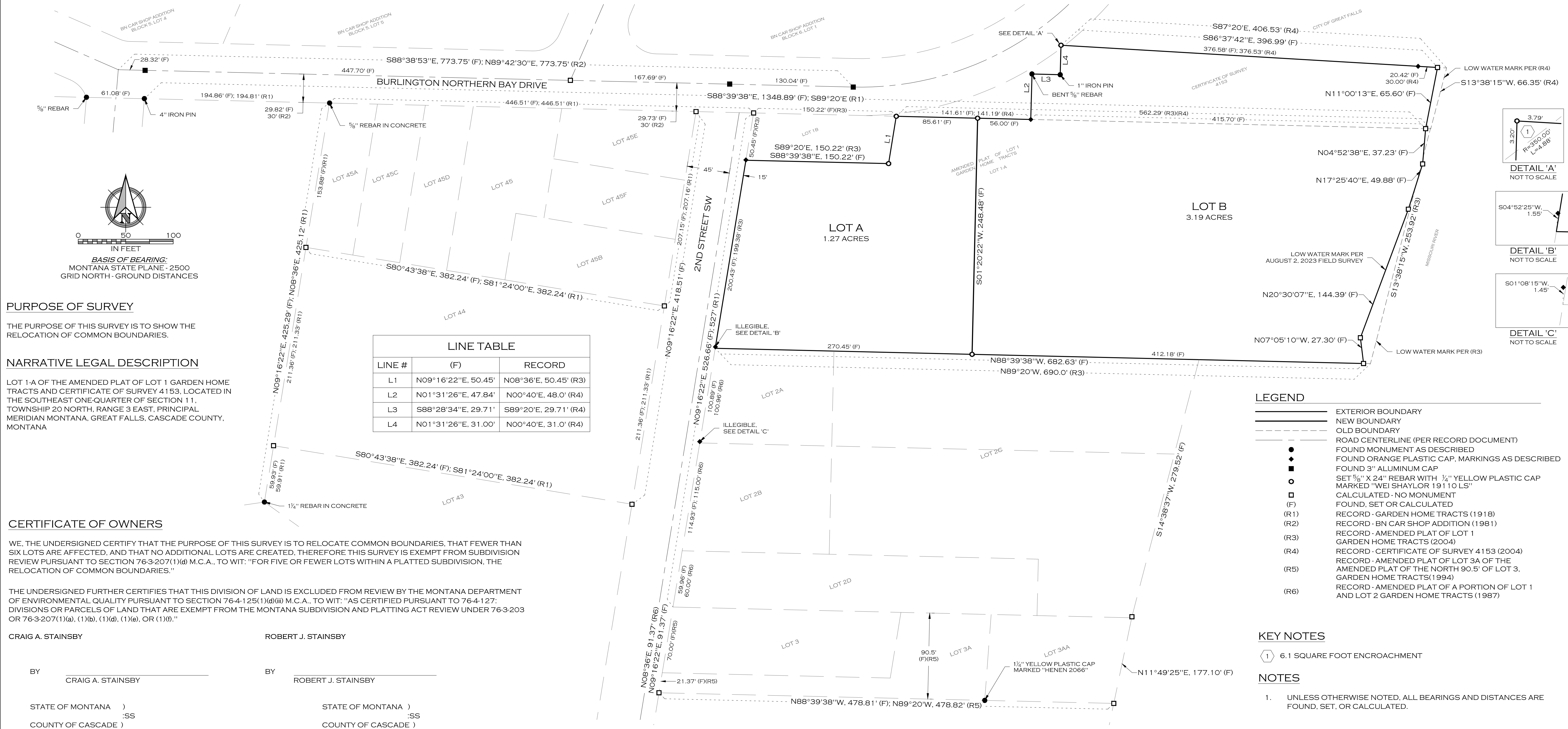
COS for Boundary Line Relocation

CERTIFICATE OF SURVEY

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

OWNER(S) OF RECORD
CRAIG A. STAINSBY &
ROBERT J. STAINSBY

SURVEY COMMISSIONED BY
CRAIG A. STAINSBY &
ROBERT J. STAINSBY



PURPOSE OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO SHOW THE RELOCATION OF COMMON BOUNDARIES.

NARRATIVE LEGAL DESCRIPTION

LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153, LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP 20 NORTH, RANGE 3 EAST, PRINCIPAL MERIDIAN MONTANA, GREAT FALLS, CASCADE COUNTY, MONTANA

CERTIFICATE OF OWNERS

WE, THE UNDERSIGNED CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON BOUNDARIES, THAT FEWER THAN SIX LOTS ARE AFFECTED, AND THAT NO ADDITIONAL LOTS ARE CREATED, THEREFORE THIS SURVEY IS EXEMPT FROM SUBDIVISION REVIEW PURSUANT TO SECTION 76-3-207(1)(d) M.C.A., TO WIT: "FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, THE RELOCATION OF COMMON BOUNDARIES."

THE UNDERSIGNED FURTHER CERTIFIES THAT THIS DIVISION OF LAND IS EXCLUDED FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO SECTION 76-4-125(1)(d)(iii) M.C.A., TO WIT: "AS CERTIFIED PURSUANT TO 76-4-127: DIVISIONS OR PARCELS OF LAND THAT ARE EXEMPT FROM THE MONTANA SUBDIVISION AND PLATTING ACT REVIEW UNDER 76-3-203 OR 76-3-207(1)(a), (1)(b), (1)(d), (1)(e), OR (1)(f)."

CRAIG A. STAINSBY

ROBERT J. STAINSBY

BY CRAIG A. STAINSBY

BY ROBERT J. STAINSBY

STATE OF MONTANA)
:SS
COUNTY OF CASCADE)

STATE OF MONTANA)
:SS
COUNTY OF CASCADE)

THIS INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME ON
BY CRAIG A. STAINSBY.

THIS INSTRUMENT WAS ACKNOWLEDGED
BEFORE ME ON
BY ROBERT J. STAINSBY.

NOTARY PUBLIC, STATE OF MONTANA

NOTARY PUBLIC, STATE OF MONTANA

CERTIFICATE OF SURVEYOR

I, MICHAEL SHAYLOR, PROFESSIONAL LAND SURVEYOR, MONTANA REG. NO. 19110 LS, DO HEREBY CERTIFY THOSE ITEMS SHOWN ON THIS CERTIFICATE OF SURVEY PERTAINING TO THE PRACTICE OF LAND SURVEYING AS DEFINED IN TITLE 37, CHAPTER 67, MONTANA CODE ANNOTATED, REPRESENT A SURVEY MADE UNDER MY DIRECT SUPERVISION, AND FURTHER CERTIFY THIS SURVEY WAS COMPLETED ON THE DATE SHOWN HEREON IN ACCORDANCE WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, MONTANA CODE ANNOTATED.

MICHAEL D. SHAYLOR, PLS
MONTANA REGISTRATION NO. 19110LS

DATE

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, _____, PUBLIC WORKS DIRECTOR FOR THE CITY OF GREAT FALLS, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING CERTIFICATE OF SURVEY 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 PUBLIC WORKS DIRECTOR 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 CERTIFICATE OF SURVEY FOR LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153 WAS DULY EXAMINED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AT ITS REGULAR MEETING HELD ON THE _____ DAY OF _____ 2023.

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

CERTIFICATE OF GREAT FALLS PLANNING BOARD

WE, THE UNDERSIGNED, _____, PRESIDENT OF THE SAID GREAT FALLS PLANNING BOARD, GREAT FALLS, CASCADE COUNTY, MONTANA, AND _____, SECRETARY OF SAID GREAT FALLS PLANNING BOARD, DO HEREBY CERTIFY THAT THE ACCOMPANYING CERTIFICATE OF SURVEY FOR LOT 1-A OF THE AMENDED PLAT OF LOT 1 GARDEN HOME TRACTS AND CERTIFICATE OF SURVEY 4153, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, 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 _____, 2023.

BY DAVE BERTELSEN DATE _____
CHAIR, GREAT FALLS PLANNING BOARD

BY SECRETARY, GREAT FALLS PLANNING BOARD DATE _____

LAND USE APPLICATION SUBMITTAL
Bay View Apartments
November 8, 2023



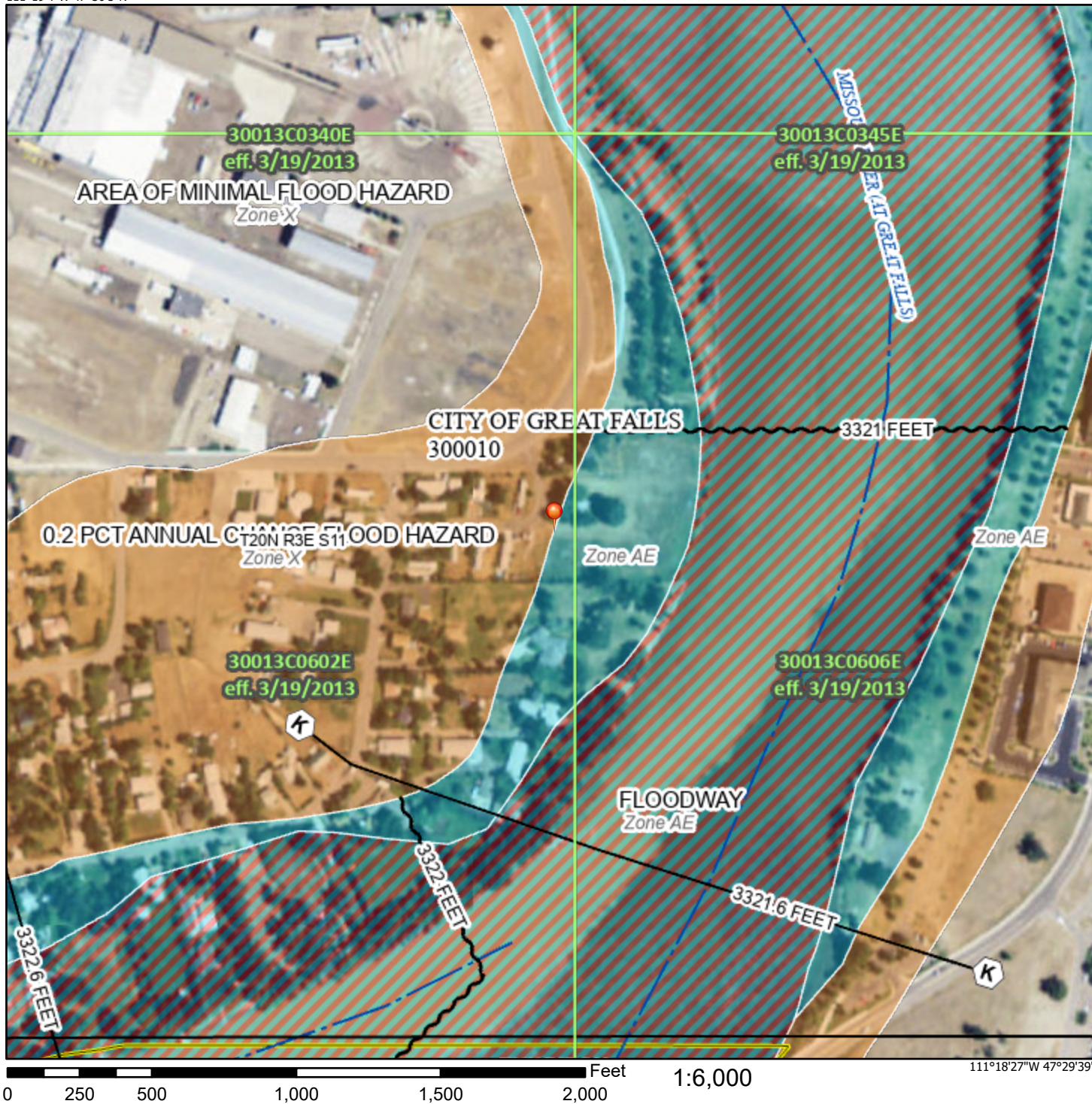
APPENDIX E

FEMA Firmette Map

National Flood Hazard Layer FIRMette



111°19'4"W 47°30'3"N



Legend

Agenda #16.

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/7/2023 at 4:45 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community id, FIRM panel number, and FIRM effective date. Map is unmapped and unmodernized areas cannot be used for regulatory purposes.

268

LAND USE APPLICATION SUBMITTAL
Bay View Apartments
November 8, 2023



APPENDIX F

Development Agreement Additions



FEBRUARY 1, 2024

Lonnie Hill

City of Great Falls Planning and Community Development
2 Park Drive South, Suite 112
Great Falls, MT 59401

RE: Bay View Apartments – Development Agreement Additions

Dear Lonnie,

This narrative is used to better describe the additions the development team is willing to include in the development agreement for the proposed rezone on the 4.46-acre Lot 1A and 1B as discussed with the City of Great Falls Planning and Community Development team. These additions will limit the use and design of the proposed development to ensure an integral connection to the surrounding neighborhood.

1. Land Use Restrictions

In order to restrict the allowable uses that could occur on this lot, the development team would like to remove the following uses from the standard Mixed Use Transitional (M-2) zoning. These uses will not be considered for development:

- a. Off-site Liquor Sales
- b. Vehicle Services
- c. Warehouse
- d. Animal Shelter
- e. Educational Facility (K-12)
- f. Educational Facility (Higher Education)
- g. Instructional Facility
- h. Telecommunication Facility (Concealed, Unconcealed Co-located Facilities)
- i. Bus Transit Terminal
- j. Heli-pad
- k. Parking Lot (Principal Use)
- l. Parking Structure
- m. Railroad Yard
- n. Taxi Cab Dispatch Terminal
- o. Contractor Yard (Type I, Type II)



FEBRUARY 1, 2024

2. Fencing and Screening

Around the perimeter of the proposed apartment project the development team will install a mixture of fencing and landscaping to increase the buffer to the nearby residential neighborhood. Fencing is to be a standard solid 6 foot high construction type.

3. Off-site Trail Connection

A sidewalk/trail will be extended from the entrance of the development to the current walking path located at Garden Home Park. Further coordination will occur on precise location and connection details.

4. Access Through Parkland

On the northern portion of the Lot A and B there is a small strip of land owned by the City of Great Falls. This land is encumbered by the current subject parcel and has no continuation with the neighboring park land. In discussions with the City of Great Falls, an agreement will be established to allow access from Bay Drive to the proposed development. Details of said agreement are yet to be established. Maintenance of said strip of land will be the sole responsibility of the developer.

5. Off-site Storm Arrangement

At this time, the development team is looking into options of using and improving the stormwater pond that currently resides at Garden Home Park. The pond would be expanded to include the capacity from the proposed development as well as be improved to current Montana Department of Environmental Quality Standards and meet any concerns from the City of Great Falls Public Works Department.

6. Setback Increases

The current M-2 zoning setback requirements are outlined below. In order to create a larger buffer from the neighboring properties the development team proposes the following increases to the setback requirements.

- a. Current M-2 Zoning
 - i. Front Yard = 0 feet
 - ii. Rear Yard = 10 feet
 - iii. Side Yard = 5 feet (adjacent to residential)



FEBRUARY 1, 2024

- b. Proposed Project
 - i. Front Yard = 5 feet
 - ii. Rear Yard = 30 feet
 - iii. Side Yard = 10 feet

7. Unit Density

Under the M-2 zoning requirements, the 4.46-acre Lot 1A and Lot 1B would be allowed 500 square feet per dwelling unit, allowing up to 388 total units.

$$4.46 \text{ acres} \times 43,560 \text{ sqft/acre} = 194,228 \text{ sqft} \div 500 \text{ sqft/unit} = 388 \text{ units}$$

The following breakdown shows that the development team would reduce the overall unit density to 2,111 square feet per dwelling unit, allowing only a maximum of 92 total units.

$$4.46 \text{ acres} \times 43,560 \text{ sqft/acre} = 194,228 \text{ sqft} \div 2,111 \text{ sqft/unit} = 92 \text{ units}$$

These restrictions will be added to the development agreement to further limit the lot use and design standards to ensure that the proposed and future development are an integral part of the surrounding neighborhood and landscape.

Sincerely,

Woith Engineering, Inc.

Spencer Woith
President

ATTACHMENT J

Return to:
City of Great Falls
PO Box 5021
Great Falls, MT 59403

**VOLUNTARY DEVELOPMENT
AGREEMENT**

THIS DEVELOPMENT AGREEMENT ("Agreement") is executed this _____ day of _____, 2024, by and between Craig Stainsby whose address is 715 4th Avenue North, Great Falls, MT 59401 ("Developer"), and the City of Great Falls, a municipal corporation, organized and existing under and by virtue of the laws of the State of Montana, having an address of PO Box 5021, Great Falls, MT 59403 ("City").

RECITALS

WHEREAS, Developer is the owner of certain real property located in Great Falls, Montana as legally described on Exhibit A (the "Subject Property"); and,

WHEREAS, Developer has applied to rezone the Subject Property to Mixed-use Transitional (M-2), a zoning district defined in Title 17 of the Official Code of the City of Great Falls; and,

WHEREAS, the Developer has prepared a Master Site Development Plan (the "Master Plan") for the Subject Property attached hereto as Exhibit B, and the Master Plan is a conceptual diagram showing the general location of existing and proposed buildings, parking areas, sidewalks and trails, open space, and various amenities, all of which are subject to zoning regulations, building codes and related City regulations; and,

WHEREAS, the Master Plan limits the overall density of the development to less than allowed by the M-2 Mixed-use Transitional zoning district and contains such other items which, while not required by zoning regulations, are items which Developer voluntarily incorporated into the Master Plan; and,

WHEREAS, the Developer voluntarily desires to enter into this Agreement as a demonstration that the development will occur in accordance with the Master Plan and its terms; and,

WHEREAS, to accommodate the Applicant's desire to memorialize the language here within, the City is included as a signatory to this agreement.

ATTACHMENT J

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are material elements of this agreement, along with the covenants and promises contained herein which the parties agree constitute sufficient consideration for the Agreement, the Developer and the City agree as follows:

1. **Development of the Project to be in Substantial Compliance with the Master Plan.** The development shall occur on the Subject Property in substantial compliance with the Master Plan and subject to compliance with all applicable zoning regulations, building codes, and other applicable City regulations and ordinances. "Substantial compliance" shall mean carrying out the project generally in the form shown in the Master Plan but shall not preclude minor adjustments to the location of buildings, parking areas, trails, and amenities as may be reasonably necessary to carry out the project and/or meet City requirements.
2. **Additional Limitations and Obligations.** The Developer proposes and agrees that the following additional limitations and obligations shall apply to any development on the Subject Property:
 - a. No more than 92 dwelling units on the Subject Property. A dwelling unit is defined for these purposes as a living unit capable of being rented or sold as a separate unit, and which may colloquially be described as a studio, one-bedroom, two-bedroom, etc., apartment or unit.
 - b. Building setbacks for principal and accessory buildings shall be more restrictive than required in Title 17, Chapter 20 of the Official Code of the City of Great Falls for the M-2 Mixed-use Transitional zoning district. Said setbacks shall be a minimum of 5 feet for the front yard, 10 feet for the side yards, and 30 feet for the rear yard.
 - c. Eliminate a portion of the land uses permitted under the M-2 Mixed-use Transitional zoning district contained in Title 17, Chapter 20 of the Official Code of the City of Great Falls. The following land uses that would otherwise be allowed under the M-2 zoning district shall be prohibited on the Subject Property:
 - Emergency Shelter
 - Family Day Care Home
 - Group Day Care Home
 - Off-site Liquor Sales
 - Funeral Home
 - Vehicle Services
 - Park
 - Recreational Trail
 - Animal Shelter
 - Community Center

ATTACHMENT J

6. **Enforcement.** Either party may enforce this Agreement by any means permitted by law. In the event a suit is brought for the enforcement of this Agreement or as a result of an alleged default, each party shall bear their own attorney fees and costs. Nothing herein shall be construed as obligating the Developer to construct the project; rather, the purpose of this Agreement is to set out various requirements and limitations upon the development of the Subject Property if and when any development occurs.
7. **Governing Law.** The law governing the interpretation or enforcement of the terms and conditions of the Agreement shall be the laws of the State of Montana.
8. **Severability.** If a part of this Agreement is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this Agreement is invalid in one or more of its applications, it remains in effect in all valid applications that are severable from the invalid applications.
9. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and supersedes all prior agreements and understandings, both oral and written, between the Parties with respect to the subject matter of this Agreement.
10. **Drafting of Agreement.** Both Parties have participated in drafting this Agreement and have been represented by their own counsel.
11. **Counterparts.** This Agreement may be executed and delivered in counterparts, each of which shall be deemed to be a duplicate original hereof, but all of which shall constitute one and the same document. Signatures transmitted electronically shall be treated and accepted as original signatures. The parties agree to communicate regarding this Agreement electronically as allowed by the Montana Uniform Electronic Transactions Act, Mont. Code Ann. § 30-18-101, et seq. After this Agreement is executed, any written document made under this Agreement may be created in original or an electronic record; any signature may be in original or by electronic signature.
12. **Binding Effect.** The benefits and burdens of this Agreement touch and concern the use and enjoyment of the Subject Property. The obligations and benefits stated herein shall bind and inure to the benefit of all successors and assigns to any portion of the Subject Property and shall run with the land.
13. **Indemnification.** To the fullest extent permitted by law, Developer shall indemnify and save harmless City, its officers, managers, agents and employees, against and from any and all actions, lawsuits, claims, demands, damages, judgments, losses, fines, penalties, fees and expenses or liability of any character whatsoever, brought or asserted for injuries to or death of any person or persons, damages to the property, or violation of any federal, state or local statute, rule, regulation or ordinance (including, but not limited to, environmental, safety or health statute, rule regulation or ordinance) arising out of, resulting from, or occurring in connection with the Developer's exercise of the provisions contained herein, except for any actions, lawsuits, claims, demands, damages, judgments, losses, fines, penalties, fees and

ATTACHMENT J

expenses or liability of any character whatsoever, attributable in whole or in part to the City's own conduct.

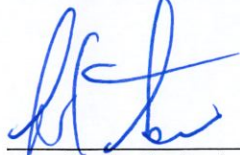
- 14. Agreement Contingent Upon Zoning Action by City Commission.** The Parties to this Agreement acknowledge that this Agreement is being entered into in conjunction with a request by the Developer to the Great Falls City Commission for a rezoning of the Subject Property to an M-2 zoning district. This Agreement is expressly contingent upon the City Commission approving the requested rezoning request made by Developer. In the event the City Commission does not approve the rezoning request, the Agreement shall be null and void and have no further effect.

IN WITNESS WHEREOF, the Parties have hereunto set their hands and seals on the day and year in this certificate written below.

~ Signatures on Next Page ~

ATTACHMENT J

CRAIG STAINSBY:

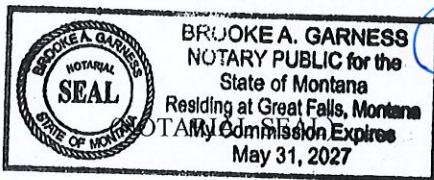


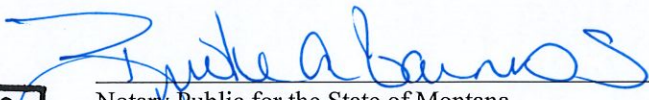
By: Craig Stainsby

STATE OF MONTANA)
County of Cascade : ss.
City of Great Falls)

On this 21st day of March, 2024 before me, a Notary Public in and for the State of Montana, personally appeared **Craig Stainsby**, known to me to be the person whose name are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for the State of Montana
Printed Name: Brooke A. Garness
Residing at Great Falls, Montana
My Commission Expires: May 31, 2027

CITY OF GREAT FALLS:

APPROVED:

By: Gregory T. Doyon, City Manager _____ Date _____

ATTEST:

Lisa Kunz, City Clerk Date _____

Approved as to form:

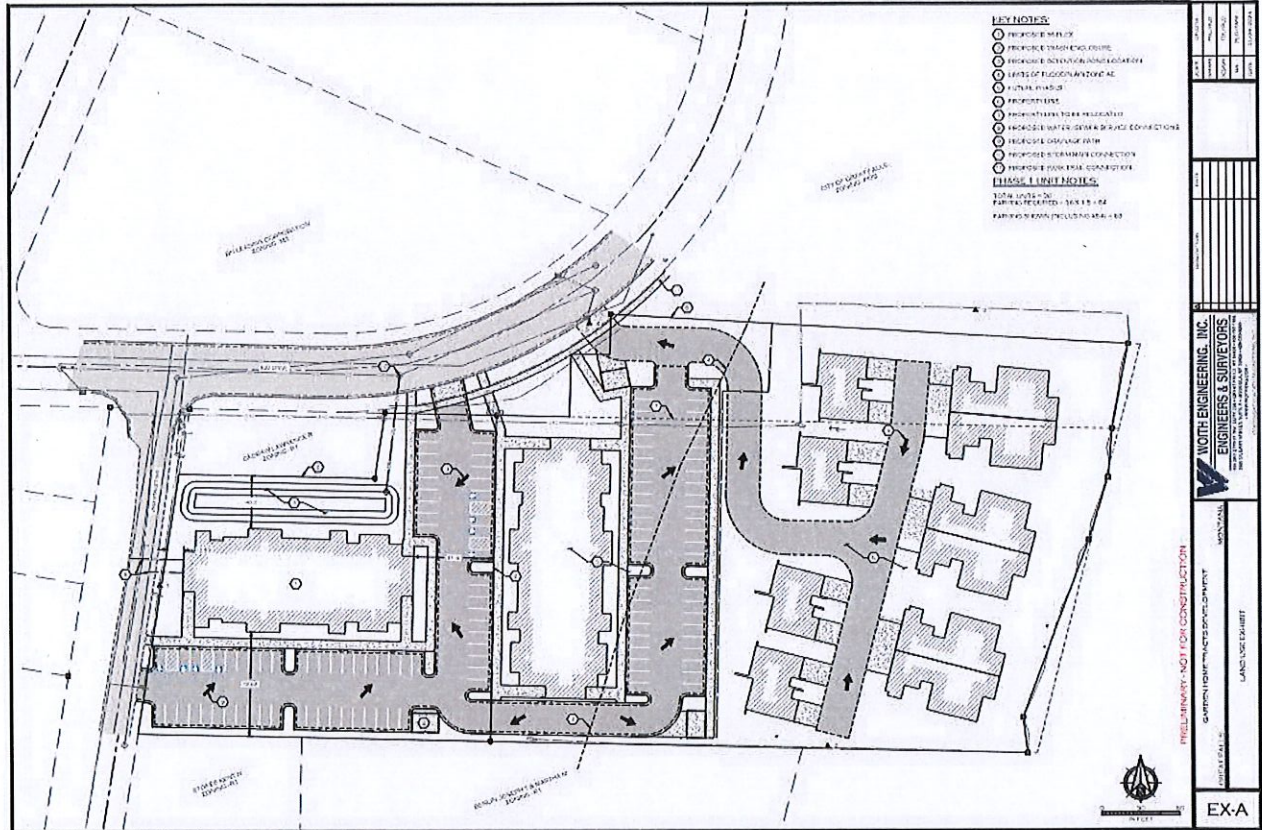
David Dennis, City Attorney Date _____

EXHIBIT A
Draft of Certificate of Survey

[illegible]

ATTACHMENT J

EXHIBIT B
Master Site Development Plan



10th Ave SW has gone from a quiet residential street to a street that is hard to live on as we are now part of the River's Edge Trail and a bike route. There is a sign that says 'share the road!' We now share the road with bikes, electric bikes (that don't require license plates and are going way too fast) families frequently with toddlers on bicycles, strollers and dogs. Some dogs on leashes and some are not. Some dogs urinate and defecate in our yards. We have runners, high school cross country runners as it is the River's Edge trail and they are more often than not wearing dark colored clothing. They are hard to see amongst our tree lined street. There is a very sharp corner that is already hard to navigate around. We have no sidewalks, chipped edges of asphalt. This street, if this plan is implemented, will now become the main thoroughfare to 10th Ave South. There is no stop light to get onto 6th St SW which is already an issue that will need to be addressed. Changing our RI status to an M2? This section of the River's Edge Trail will now become more dangerous than ever! We suggested to move the River's Edge Trail north two blocks to a wider street to no avail. We were told there were too many railroad tracks. The railroad crossing by the round house can be blocked for 1/2 hour plus at times which means traffic has to turn around and find an alternate route. To afford these apartments two plus families will probably share. Now we are talking double to triple

the amount of cars to park and double to triple the amount of traffic. There is a park located close to this property which has no off street parking. Parking is on the street or on the railroad's property. What will be happening to the banks of the Missouri River with this many people living on the water's edge? This plan simply should not come to fruition. This zone change should not happen as we don't know what other plans they may want to implement.

Jane Brinkman, 310 10th Ave SW

Kayla Kryzsko

From: Jamie Nygard
Sent: Tuesday, December 5, 2023 6:52 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Bayview Apartments

FYI.

From: Jane Brinkman <gijane107@gmail.com>
Sent: Tuesday, December 5, 2023 6:50 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Bayview Apartments

10th Ave SW simply does not have the infrastructure to support this project. Changing the zoning to a M2 will now give them the ability to construct something else if this project falls through. If this is to remain part of the River's Edge Trail and a bike path then there is absolutely no more room for additional traffic. Property owners have the additional responsibility of eradicating other peoples' trash. This project does not make sense and needs to be stopped.



Virus-free. www.avast.com

Kayla Kryzsko

From: Jamie Nygard
Sent: Friday, December 8, 2023 8:45 AM
To: Brock Cherry; Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: Fw: Bayview Apartments rezoning

FYI.

From: Jane Brinkman <gijane107@gmail.com>
Sent: Friday, December 8, 2023 5:50:36 AM
To: Jamie Nygard
Subject: Bayview Apartments rezoning

I am asking for a continuation for this project, please. After reviewing the paperwork received after the neighborhood council meeting, this project needs to be put on hold. The studies from 2013 are not sufficient information. There are no rentals in town with just two people living in them. Property owners along 10th Ave SW have numerous issues with trash, sharing the road, no sidewalks, broken asphalt, graveled edges, and speeding just to name a few concerns. People do not ride bikes more than they drive cars. 10th Ave SW cannot support this kind of increased traffic. If this is to remain part of The River's Edge Trail and a bike route then this project needs to be stopped before someone gets hurt. Keep it an R1 for everyones' safety. Thank you

Lonnie Hill

From: Jamie Nygard
Sent: Thursday, February 8, 2024 8:10 AM
To: Lonnie Hill
Subject: FW: Bayview Apartments.. zone change 805 2nd St SW

Hi Lonnie,
 Here is another one to add if we can.
 Thank you,



Jamie Nygard, CPT
Senior Administrative Assistant
Planning & Community Development Department
Permit Division, City of Great Falls
T 406-455-8438
E jnygard@greatfallsmt.net

From: Jane Brinkman <gijane107@gmail.com>
Sent: Thursday, February 8, 2024 8:09 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Bayview Apartments.. zone change 805 2nd St SW

I am reiterating, once again, please do not allow this zone change! 10th Ave SW simply cannot handle this increased traffic. We have one street between our Avenue and 9th Ave SW on our whole Avenue all the way out to 6th St SW and we have a river on the south side. We have no alleys between the north side of our Avenue and 9th Avenue SW. There was a meeting a few weeks ago that talked about the Baatz Block Apartments, the Elmore Roberts Apartments and the Ulmer Square Apartments in the works. Also, the Malmstrom Project will be having empty buildings in a few years. Another major concern is what other idea that they may come up with and try to incorporate in our residential neighborhood if this zone change is approved? Our Avenue has way too many safety issues and no infrastructure support. Please do not support this zone change.



Virus-free. www.avast.com

Kayla Kryzsko

From: Jamie Nygard
Sent: Tuesday, December 5, 2023 6:13 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: FW: Zoning revising for 805 2nd st sw

FYI

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Monday, December 4, 2023 6:24 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Zoning revising for 805 2nd st sw

I am the property owner of 825 2nd st sw near the subject property requesting rezoning.

I am 100% against this rezoning request.

As a former apartment building owner, I am fully aware of all of the negative issues which come with an apartment building in an established community.

Increased traffic, increased crime, increased neighborhood complaints, decrease in neighboring property values, (would you want to own property or live next to an apartment building)?

Again, I can not think of one positive of rezoning a property to high density in a established neighborhood.

I 100% oppose this rezoning as an established and long time owner of my property near the subject property.

Sincerely,
Kirby Berlin
406/217-3514

Sent from my iPhone

Kayla Kryzsko

From: Jamie Nygard
Sent: Thursday, December 7, 2023 12:25 PM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: 805 2nd st sw proposed zoning change

FYI.

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>
 Sent: Thursday, December 7, 2023 11:24 AM
 To: Jamie Nygard <jnygard@greatfallsmt.net>
 Subject: 805 2nd st sw proposed zoning change

Hello,
 First and foremost, I am 100% against this proposal as there is not one benefit to this neighborhood and it's people regarding this proposal.

During the meeting at west side elementary school, we have been advised as concerned property owners and residents we must have arguments and concerns based upon facts for the commission to hear on Dec. 12 at 3 pm. In order to have the appropriate arguments and facts, We need ample time in order to both gather and prepare these. We just learned of the 78 page document which encompasses the proposal in order for this property to be rezoned. What is necessary to delay this hearing regarding this in order for us to be both properly informed and thoroughness completed?

I have placed a call into both Brock cherry and Nick hill regarding this matter and have yet to hear back.

Thank you,
 Kirby Berlin
 Owner
 825 2nd st sw
 Great falls, MT
 406-217-3514

Sent from my iPhone

Kayla Kryzsko

From: Jamie Nygard
Sent: Thursday, December 7, 2023 2:46 PM
To: Brock Cherry; Thomas Micuda; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: Fw: 805 2nd st sw zoning

FYI

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Thursday, December 7, 2023 2:40:59 PM
To: Jamie Nygard
Subject: 805 2nd st sw zoning

Hello,
 I would like to ask for a continuance regarding the proposed zoning change for 805 2nd st sw in order for a greater amount of information to be determined and studied regarding the concerns of the neighborhood.

Updated traffic and proposed traffic count rather than utilizing a model for representation from 2013 to make determination.

Crime elevation in relation to a police force which is strained already and is streamlining their law enforcement capabilities due the failed levy.

Economic impact study of the neighborhood homes and values. Depreciation of homes equals lower tax dollars to the city and threatens overall economic security for home and property owners within the neighborhood.

Deterred ambiance of entering a neighborhood by having an apartment when entering the neighborhood.

Full development disclosure and complete intentions over time on behalf of the development as m2. The proposal is way too vague and what will be the price point on the rents and if there will be any subsidized housing or section 8 initially or in the future.

The proposal is also only basing their numbers on two people per unit. Where in great falls are there only two people in a unit throughout an entire complex? Real life numbers not conservative numbers to make traffic and effects on the neighborhood to be less.

These are only a few of the concerns which need plenty of time for complete and adequate evaluation.

Thank you,
 Kirby Berlin
 Owner
 825 2nd st sw
 406-216-3514

Sent from my iPhone

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:28 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Against rezoning 805 2nd st sw
Attachments: CamScanner 12-09-2023 07.02_1.pdf

Fyi.

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Saturday, December 9, 2023 7:09 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Against rezoning 805 2nd st sw

Try this powerful scanner app
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Hello,
 On Dec 6, 2023 at the meeting regarding the rezoning of 805 2nd sw, one of the city planners who spoke said there a waiting list for apartments and there is a shortage of four hundred available apartments.
 As you can see from the image attached, utilizing only one source, and no other advertisements or options, on December 9, 2023 [Iapartments.com](#) had over 341 available apartments in Great Falls, Montana. These listings provided by apartments.com also have multiple apartments available for many of the listings which actually increases the overall rental availability.

Sincerely,
 Kirby Berlin
 Owner
 825 2nd st sw
 Great falls 406/217-3514

Sent from my iPhone



Great Falls, MT

Beds

Baths

Price

Home T

Great Falls MT Apartments

341 Rentals



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Talus Apartment Homes

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Email

Kayla Kryzsko

From: Jamie Nygard
Sent: Thursday, December 14, 2023 8:23 AM
To: Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Bike route regarding against rezoning of 805 2nd st sw

FYI.

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Thursday, December 14, 2023 8:05 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>; Brock Cherry <bcherry@greatfallsmt.net>; Dad's Cell Phone <whthfield@yahoo.com>; steve@williamsonfence.com; Corrybrooke@gmail.com; Dave Broquist <dbro@gpdpc.com>; gijane107@gmail.com
Subject: Bike route regarding against rezoning of 805 2nd st sw

Hello,

In addition to our concerns with the placement of the traffic counters on 2nd st sw and tenth Ave sw, these streets are also a designated city bike route which connects the rivers city trail together.

Is there a bicycle count being done as well? The massive numbers of bikers especially during the spring, summer and fall months who utilize this route have to be accounted for.

An increase of traffic will create serious safety concerns as many of the bikers ride side by side in groups. With limited street space and a sharp corner on 2nd st sw, this is a serious safety concern which must be evaluated.





Thank you,
Kirby Berlin
Owner
825 2nd st sw

Kayla Kryzsko

From: Jamie Nygard
Sent: Thursday, December 14, 2023 10:07 AM
To: Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko; Andrew Finch
Subject: FW: Other concerns and protest against 805 2nd st sw rezoning

FYI.

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>
 Sent: Thursday, December 14, 2023 10:06 AM
 To: Jamie Nygard <jnygard@greatfallsmtnet.net>; Brock Cherry <bcherry@greatfallsmtnet.net>; Dave Broquist <dbro@gpdpc.com>; steve@williamsonfence.com; gijane107@gmail.com; Corrybrooke@gmail.com; Dad's Cell Phone <whitfield@yahoo.com>
 Subject: Other concerns and protest against 805 2nd st sw rezoning

Hello,

One of the neighbors also mentioned the frequent use by the local schools as a running route for the cross country and track teams. As this street is a designated bike route as well a connecting street for the continuation of the rivers edge trail, this is another safety concern for the school age children and other adults who frequently use this street as part of training and recreational use.

Thank you,

Kirby Berlin

Owner

825 2nd st sw

Sent from my iPhone

Kayla Kryzsko

From: Jamie Nygard
Sent: Friday, December 8, 2023 11:27 AM
To: Brock Cherry; Thomas Micuda; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: Fw: Re Zone 805 2nd Street South West

FYI.

From: JT Berlin <whtfield@yahoo.com>
Sent: Friday, December 8, 2023 11:14:49 AM
To: Jamie Nygard
Subject: Re Zone 805 2nd Street South West

Great Falls Planning Board: Re the above referenced rezoning request, I am hereby requesting a continuance of the schedule for rezoning the property located at 805 2nd Street SW. A six month continuance should be adequate.

We as adjacent property owners have not had an opportunity to verify nor challenge the findings of the 78 page report discovered as available at the December 6 meeting at the West Elementary School.

Your prompt acknowledgment is appreciated.

**JT Berlin
 827 2nd Street SW
 Great Falls, Montana 59404
 406/590-7980**

Re: Zoning map amendment for 805 2nd St SW

From: JT Berlin (whthfield@yahoo.com)

To: jnygard@greatfallsmnt.net

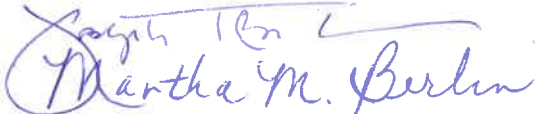
Date: Monday, December 4, 2023 at 03:42 PM MST

We live ADJACENT to the property subject to the rezoning request (827 2nd St SW) and adamantly are against the approval of the zoning change requested by Mr. Craig Stainsby and Mr. Robert Stainsby.

The proposed increase in population density for this tract will adversely affect the community in general. Vehicle traffic and it's effect on bike trail, storm water disposal, elevation of fill and consequences of drainage to adjacent property are concerns. Above all, decline in property values.

Again, we are against rezoning for a high density project.

Sincerely,
Joseph and Martha Berlin

A handwritten signature in blue ink that reads "Martha M. Berlin". The signature is written in a cursive style with a large, looping "M" and "B".

JT Berlin
TMC Farms
PO Box 2646
Great Falls, Montana 59403
406/590-7980

Kayla Kryzsko

From: Jamie Nygard
Sent: Friday, December 8, 2023 11:27 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: Fw: Rezoning of 805 2nd St. SW.

FYI.

From: Neal Stokes <curlyskidman@gmail.com>
Sent: Friday, December 8, 2023 11:06:57 AM
To: Jamie Nygard
Subject: Rezoning of 805 2nd St. SW.

Sent from. I Kent N Stokes
 Owner of, 821 2nd St. SW., Great Falls, MT
 Do strongly protest, the rezoning of 805 2nd St. SW., Great Falls, MT
 Kent N Stokes
 PO Box 47
 Davenport Ca 95017

I Kent N Stokes

**Owner of, 821 2nd St.
SW., Great Falls, MT**

**Do strongly protest, the
rezoning of 805 2nd St.
SW., Great Falls, MT**

Kent N Stones

PO Box 47

Davenport Ca

95017

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:24 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Rezoning-Planning Advisory Board/Zoning Commission 12/12/23 meeting Agenda Item #5

FYI.

From: Dave Broquist <dbro@gpdpc.com>
Sent: Sunday, December 10, 2023 10:26 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Rezoning-Planning Advisory Board/Zoning Commission 12/12/23 meeting Agenda Item #5

I am writing to voice my absolute opposition to this rezoning effort. I am a 30 year + resident of this neighborhood and have lived at 711 10th Ave SW for over 29 years. I have purchased other property on which to build a home but have chosen to remain where I live due to the attributes that make this neighborhood special and more or less removed from the typical Great Falls residential arrangement. This is a special 'island' neighborhood that has quietly existed through generations and many residents are retired and enjoy the lack of traffic and the rural feel that this neighborhood affords. Lots are mostly large. There is no requirement for sidewalks or curb cuts, no restrictions on owning or raising most farm animals, and none of the routine 'neighborhood' restrictions. This rezoning effort threatens to change every one of those characteristics for the benefit of one Owner entity and those of the City, Development Authority and Zoning Commission who will get a feather in their cap for 'enforcing' the City's ill-advised river corridor development plan which hopes to populate the near-river property to the detriment of all. There are a number of reasons I object to this rezoning, but these are the primary inclusions in the recently published documents that I believe are flawed from an engineering prospective, and are based on inaccurate information, or entirely dubious information presented for the benefit of the Development Authority of the City:

- 1) The traffic data is undeniably faulted and is based on archaic information. It presumes this is a 'normal' neighborhood in terms of traffic. It is not. It is a very narrow road with no right-of-way in the vicinity of the proposed rezoning. It is very, very narrow – perhaps not up to standards at the curve joining 10th Ave SW to 2nd St NW very near the project site. It is often an issue, even without the added traffic. It ignores the fact that this road (2 St NW and 10th Ave SW) are officially parts of the River's Edge Trail and are a designated bicycle route. Increased traffic, in any amount, will be a safety risk. I believe, due to the nature of the residents in this quiet neighborhood, that the 'typical' formulas used for traffic predictions do not apply – why would they? There is a significant percentage of 'older' residents – many lifetime residents – who do not go to work everyday, as they are retired. This skews the 'normal' computational inputs significantly, without a doubt, but the City has made no accommodation for that in their figures. I believe, and think anyone with common sense would agree, that this is not a typical city neighborhood in terms of traffic patterns and that the predicted increase in traffic levels cited in the City's published documents, is far from accurate. Based on direction of travel to major thoroughfares, it is certainly possible that the traffic on 10th Ave SW will increase by over 100%. For those who may not know, 10th Ave SW does not have sidewalks, is an official connecting segment of the River's Edge Trail and is a designated bicycle route. It is extremely narrow for even today's traffic patterns. And yet, the City has not required a traffic study, despite the fact that their data is over 10 years – maybe 15 years - old. This is bogus and reflects very, very poorly on the proficiency of the City's staff and Committee members. It's a sham and they all know it. They know extremely well that the data and the characteristic of the traffic in this neighborhood is being misrepresented, but, still, they refuse to accomplish a traffic study because it doesn't fit their model – all to the benefit of those who favor this reprehensible and irreversible catalyst of unfortunate change to this neighborhood.

- 2) The proposed re-zoning has been more or less secretive and flies in the face of the intent of the requirements to notify those affected. At the December 6th Neighborhood Council #2 meeting, during which it was incumbent upon the Owner team to describe the project, and which, prior to the meeting was incumbent upon the Owner team to notify anyone with property within 150 feet of the prospective rezoning of that intent, there were residents whom had not been informed. In fact, the entire neighborhood felt they had been uninformed and duped. I believe that due to the limited access means of long, straight streets, and only those, and only those which access this site, this decision for re-zoning affects the entire neighborhood and not just those residing within 150 feet of its boundaries, as the statute may suggest as being appropriate and legal. It is now, I believe, almost a foregone conclusion that the Development Authority, the City and the Commission have concealed their intent to rezone this property regardless of its impact to the neighborhood upon which they are forcing it. This fits with their professional goals and gains at the tremendous expense of the residents. How that is moral, professional, or ethical in any way, and how it will not invite litigation remains to be seen. It is my hope, that if the City passes this rezoning, that the neighborhood will organize and hire an attorney to fight this in court. It is nothing short of declaring public domain – very Putin-like. It is a death sentence for the character of this long-standing neighborhood – the City and the Development Authority know it and yet they don't seem to care.
- 3) The 'logic' cited in the "Finding of Fact – Zone Map Amendment", Item #2 is inexcusably flawed. It presumes that the fact that Neighborhood Council #2 did not have an enacted resolution to avoid such development as this, constitutes an acceptance of it is completely inane – moronic and totally refutable. A neighborhood should not have to initialize a restriction of things that are not acceptable under their current, totally legal and irrefutable right, to exist without threat of change initiated, obligated or pushed forward by the City. Again, I believe this to be grounds for legal action against the City, the Zoning Commission, and the Development Authority who wields pressure onto the City officials. This statement of 'fact' is reprehensible – very 'Putin-like' as most would see it, I believe.
- 4) Lastly, I believe there has been, as often there is, a total misrepresentation of the parking situation that will occur as a result of this proposed construction. The proposal includes the 'minimum' number of parking spaces, which is an amazingly unrealistic number of the vehicles that will need to be accommodated -especially at the river where "water toys" and additional vehicles will need to be accommodated. The width of the street along 2nd St NW hardly accommodates moving traffic, let alone bicycle traffic, which – again, by the way, is designated as a bicycle path failed to be recognized by the re-zoning paperwork or adequately addressed by the City. Parking on the streets in the vicinity of this development will, of course, be strictly forbidden, but, as all know, will become a rule. The street at this location is barely legal in width for two moving cars passing but will, as all know, be subject to tenant parking. It's a joke, ignored by all who want this re-zoning to occur but ignore the 'minor' inconveniences that constitute life-safety and traffic concerns. Additionally, the parking at the River's Edge Trail access approximately 200 feet to the northeast will be continuously crowded with the tenants' excess vehicles. Not legal, mind you, but an absolute and un-ignorable reality for which the City and Development Authority want us to not be cognizant of or to voice our opinion in opposition. Ignoring these facts would constitute a gross error on the part of the Committees or the Commission. The Development folks really won't care because that's not their problem – they gave the City what they asked for – again, I would only assume this is grounds for legal action against the City, the Zoning Commission, and the Development Authority.

It seems those who are zealous to push this re-zoning effort forward for personal or program gain have lost their focus on the needs and priorities of those who live and reside here in favor of those – whomever they may be – who have been lured here, sometimes by the promises of those who lured them here, themselves. Many of the residents who have lived in this neighborhood have spent their entire lives -or very nearly so – here, at the very place of their current residence. This project, this re-zoning, is a bad idea for many reasons, and I think everyone who is familiar with this actual neighborhood will agree. It threatens a historically quiet and isolated neighborhood way of life – our safety, our quality of life and the reason we stay – for the sake of the few who will benefit. I believe the reason this re-zoning request has reached its current state of advancement is that information has been intentionally far from forthcoming to those in the entire neighborhood that will be affected due to the intent of the Development Board and others who will win accolades for its so-called 'success'. I can't disagree more with the thought patterns and the willingness to 'lay down' to pat equations regarding 'social success' that the City Planning Board has put forth or that of the 'river corridor'

concept, at this location, needs to be so-called 'enhanced' by this development. As an aside, they (City, Development Authority, Zoning Commission) have dodged the presentation of any information regarding river access, water sports equipment storage or affect upon current river usage due to potential impact (noise or other) from river users – a historic activity for more than half a century. This appears to be racing forward only at the bequest of the Development Authority, intent to show success in fulfilling their own goals for housing infill and river corridor development. To assume anything else is naïve.

This rezoning is bad for Great Falls. It's bad for it's historical and faithful, empowering, and sustaining residents – true Great Falls people. These people, and those of this small, isolated residential neighborhood, want to remain as they have planned for their entire lives – good and decent citizens doing good things for a good community. The only 'good' that will come of this re-zoning will be to the advantage of the Development Authority and the those in the City government seeking to redeem themselves by saying they have accomplished the task given to them and for which they were (ha – e.g. to help the people) elected. Not so much for the people who live here.

Many thanks for your consideration,

David Broquist
711 10th Ave SW
Great Falls, MT 59404

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:24 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Protest zoning change of 805 2nd st sw on behalf of Sheryl and R. Dewey Schmidt

fyi

-----Original Message-----

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Sunday, December 10, 2023 7:15 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Protest zoning change of 805 2nd st sw on behalf of Sheryl and R. Dewey Schmidt

On behalf of Sheryl Schmidt and R. Dewey Schmidt of 900 2nd st sw , whom are unable to send electronic communication, the following has been transcribed from their letter to the city.

I am writing this letter in protest of the zoning change at 805 2nd st sw . We are also asking for a continuance for evaluation and the necessary studies to be performed which we feel need to be addressed.

Environmental impact (EPA)

Across Bay drive, the empty lot owned by BNSF and zoned M-2, was formally occupied by a chemical plant. From what we believe and have been told, the lot is contaminated and potentially hazardous. If this development would occur, where would the children play? More than likely the empty lot across the street which could be potentially very dangerous. In addition, other options would be, down by the river which is dangerous or just as bad, the street.

Ecological and Biological impact (Fish wildlife and parks) The Fish wildlife and parks definitely need to evaluate this project. The area is habitat for bald eagles which are still protected under the MIGRATORY BIRD TREATY ACT AND THE BALD AND GOLDEN EAGLE PROTECTION ACT.

This area is also a main migration and nesting area for geese, ducks, owls and home to other wildlife which is what makes great falls, Montana what it is.

Holding Pond

The holding pond is a big concern for the wildlife. Contamination from the vehicles in the parking from dripping oil and gas and other toxins which will then be collected in the holding pond. Wildlife such as birds, frogs and other creatures may become contaminated by landing in this pond.

Increased area foot traffic

With all of the proposed extra people, what will be the foot traffic damage and issues which will effect the area full of habitat.

Neighborhood

This project does nothing beneficial for the neighborhood in which it will impact. The majority of the people have lived in this area for decades. Turnover is extremely low, thus leading us to have the safest neighborhood in great falls for that very reason. This neighborhood is full of long standing, hard working or retired individuals who have been tax payers to the city, state and federal government for decades. Do not take away the peace, quiet and stable neighborhood for the sake of someone else who doesn't even live in the area.

Property values will go down. Stop taking and punishing the good long standing taxpayers of the city for the benefit of others!

The development will not only effect the traffic, but many other issues that have yet to be addressed properly. Example the use of a ten year old traffic study, vagueness on true number of occupants and number of bedrooms in each unit which will ultimately effect true traffic count, water usage, waste water, property values, parking issues, biological and ecological issues and overall disruption of a stable neighborhood.

Again, we 100% oppose this rezoning from R-1 to M-2 as this only sets a precedent to homeowners that no neighborhood or household is safe with their home and neighborhood if there is an empty lot within it.

Sincerely,
Sheryl and R.Dewey Schmidt
900 2nd st sw

Sent from my iPad

December 10, 2023

Great Falls Planning Advisory Board/Zoning Commission

Attn: Brock Cherry
Great Falls, MT 59401

Dear Sir and To Whomever It Concerns:

RE: Zone change from R-1 to M-2 in Neighborhood #2

I am Velma Thompson of 409 10th Ave SW which I purchased in 1988. I am appalled that the parcel at 805 2nd St SW seems to be already in the middle of transformation when the Zoning Law is still currently an R-1.

UTILITIES: The area of the proposal is part of the Garden Home Tracts which is a well-established, long-term area located on the north side (10th Ave SW) of the Sun River and curves around to part of the Missouri River (Bay Dr). There are wonderful, mature, old trees and the community is rural with its narrow paved streets and no sidewalks. In all probability, there has been no major upgrade to utilities in this area for over 30 years. All of the utilities have assumed that the neighborhood is only occupied by single-family homes. What will happen to the sewer and water systems if the zoning changes to M-2?

FLOOD PLAIN: The entire Garden Home Tracts is in a flood plain, and it has flooded in this area. While I was looking at property in 1988, I found that some houses next to the Sun River did flood in their basements. Also a few years ago, water did rise on the Missouri near Bay Drive and near the river on 10th Ave SW. Will the utilities be able to handle these complications?

STREET: The 10th Ave SW paved street in front of my house is only 21' wide. Various vehicles such as motor homes, 5th wheel trailers, semi-trucks, ambulances, fire trucks, school buses plus regular business trucks and trailers use the streets regularly. Sometimes, driving off of the paved section is necessary. Also there is no valid parking areas as most property lines, I believe, go all the way to the paved street section. Most families have 2 vehicles and if there is a teenager, there will be 3 vehicles per household which will greatly affect our quiet street and the ability to find parking space on very narrow streets.

TRAIN: The train goes by several times a day. Often, commuters will reverse their direction and then drive down 10th Ave SW and Huffman Dr; thereby, increasing the traffic.

PUBLIC TRANSPORTATION: The closest bus stop is on 6th St SW which will also increase traffic on 10th Ave SW.

CRIME: Up to this point, crime has been minimal. By increasing the population with all of these units; that will, in all probability, double our crime rate.

TAX VALUES: Also, the tax that you gain in the complex will probably lower the value of all of the homes in the Garden Home Tracts creating no gain, and perhaps a loss, to the city.

THE NEIGHBORHOOD: However, my biggest concern is that the monstrosity of the apartment buildings proposed does NOT fit with nor enhance the character of the Garden Home Tracts. Building single-family units to match the neighborhood would be a nice fit for the property and for the community.

Changing the zoning within the Garden Home Tracts would be like starting a 'cancer' in the community. It would be like a knife in a body at one end of the neighborhood. Eventually, more sections would be rezoned to M-2 and the beautiful, established neighborhood would come to an end.

A better area for such a large, sterile complex would be on the Missouri River by the railroad tract near the Great Northern Railroad building or even farther north. That would give easy access to 1st Ave N and the bridge.

I strongly oppose rezoning from R-1 to M-2 to accommodate landlords who will be ruining my neighborhood for now and for the future.

Sincerely,

Velma Thompson
409 10th Ave SW
Great Falls, MT 59404
mateesha83@hotmail.com

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:27 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Bayview Apartments proposal rezone

Fyi.

From: ron brinkman <brinksrepair@gmail.com>
Sent: Sunday, December 10, 2023 8:20 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Bayview Apartments proposal rezone

I am asking for a continuance on this proposed project. We have not received enough notice on said project and this rezone needs to stop. We have failed our police and fire departments by not passing funds for them. This map that they have proposed does not show near enough parking for said project. The economic impact needs to be studied. The studies from 2013 do not suffice as this River's Edge Trail and bike route on our roads is totally not up to date. What about our property values on property that is actually owned by people in this area? Renters don't pay taxes. What about representing the people actually involved around this project? The railroad used to own that property there. Across the street, which the railroad still owns, is a hazmat site. How do they plan on keeping these numerous tenants off that property? There were no more than 9 trailers on that property and I read where they said there were 14. There are homeowners that have owned and have been paying taxes on their homes for generations. Numerous ones for forty plus years! The infrastructure in this area cannot accommodate this kind of a project. They said two people per unit in their proposal. We know this won't happen. Probably two or three families! To keep this the River's Edge Trail and a bike path, I recommend not changing the zoning from a R1 to an M2.



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Kayla Kryzsko

From: Jamie Nygard
Sent: Tuesday, December 12, 2023 6:14 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: FW: Formal protest to rezoning 2nd ST SW

FYI.

From: WANDA CARLSON <wandacarlson100@hotmail.com>
Sent: Monday, December 11, 2023 5:21 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: FW: Formal protest to rezoning 2nd ST SW

Sent from Mail for Windows

From: WANDA CARLSON
Sent: Sunday, December 10, 2023 2:20 PM
To: jnygard@greatfalls.net
Subject: Formal protest to rezoning 2nd ST SW

My name is Alexander Smithson and I purchased a home at 820 2nd St SW this past March. There is a mobile in the front yard I rent to my mom, Wanda Carlson. The trailers address is 814 2nd St SW.

We are very opposed to two apartment buildings and numerous townhouses being built directly across the street.

The construction noise alone for a few years would be unbearable. Now rumor is the city will give the developers the south end of Garden Park. This would deny access to the river for people in the neighborhood. There is a small pond with frogs and salamanders that is rumored to be used for the developments runoff. This will kill everything living in there.

We hear the ground will be build way up which really increases our chances for flooding.

If dumpsters are placed along 2nd ST SW that will be my mom's view.

Please consider encouraging the builders to move their plan from our quiet residential neighborhood to a different area.

Please allow more time for ground and environmental studies and give residents more time to express their opinion.

Thank you for your time and consideration.

Sincerely,
 Alexander Smithson
 Wanda Carlson

Get Outlook for Android

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 11:25 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: Formal protest against the change for Bay View Apartments

Fyi.

From: Kathy Steffenson <ksteffenson@citymotor.com>
Sent: Monday, December 11, 2023 11:17 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Formal protest against the change for Bay View Apartments

By way of this email we are formally protesting the change for Bay View Apartments from R-1 to M-2. The area is way too small for 100 units and the access to the road will impact traffic and make it too congested for current residents to get in and out of the area. It would also be more dangerous for people using River's Edge Trail.

Steve and Kathy Steffenson
 826 2nd St SW
 Great Falls, MT 59404

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 11:30 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: FW: Re zoning of the property-5th 2nd street sw

Fyi.

-----Original Message-----

From: Susan Broquist <susanbroquist@yahoo.com>
Sent: Monday, December 11, 2023 11:27 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Re zoning of the property-5th 2nd street sw

I wish to make comment about the rezoning of 8052 2nd St. SW. As someone who lives in the neighborhood at 711 10th Ave. SW. my concern on this change is the increase of traffic in the area. The proposal shows traffic diverted to three different streets. What is not mentioned is the fact of the railroad traffic in these areas closes to two of those quite often leading to most traffic to use 10th Ave. Southwest. Entering 6th St., Southwest will be a problem as the traffic on 10th Ave. South already leads to long waits. I do believe a new traffic study should be done in this area during the summer months as we have the river's edge trail that enters 10 Ave SW with numerous runners, walkers and bikers on this Avenue already. The study the proposal was using is outdated. I feel if this zoning remains the same and single unit housing is built in that area. We would have no problem or issue with that.

Sincerely.

Susan Broquist
 711 10 Ave SW
 Great Falls MT 59404
 406-788-4659
 Sent from my iPad

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 12:52 PM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: FW: 2nd St SW

FYI.

From: Brooke Corry <corrybrooke@gmail.com>
Sent: Monday, December 11, 2023 12:43 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: 2nd St SW

Hello,

I would like to ask for a continuance regarding the proposed zoning change for 805 2nd St SW in order to gather more information.

As an Army veteran and having worked for the VA for the last 6 years, I am understanding that there are policies and procedures that need to be followed. There are many concerns with this project, it is hard to know where to start. It is hard to know what rights we have and what will be blocked by the codes or policies that are in place.

Our little road is busy with runners, walkers, bikers, wildlife, etc while sharing it with motor vehicles, I can't imagine adding even more traffic to it. The increase of traffic will without a doubt increase the chance for an accident. Our road also does not get taken care of as it is. (I have emailed the photos of the drainage.) Even though people find the enjoyment of going through the puddles fast, this sprays rocks. I personally, have had my vehicle damaged, along with my trash can, along with multiple other close calls. Our road is not wide enough to absorb the increase in traffic.

My kids and I frequent the Rivers Edge Trail, we are able to go right from our home, our safe place, what does an apartment complex do to ones sense of safety? The neighbors and our community frequent and enjoy this piece of the River's Edge Trail and its raw state. We do not just enjoy it, it is our home, it is our safe place for our parents, grandparents, children, we have groups of families that have banded together to take care of one another. I have been boots on the ground with our houseless population for several years. I recognize the need for development, but it should be a development that is built with good intentions and grace. Intentions of increasing the value of our community and not commercializing a space that is unique.

It is concerning that the owners are selling it to a developer. If the zoning is changed how many more apartments will be built on that piece of property? The developer said that the drawings are just the beginning. What will this do to the value of our homes?

Thank you for your time.

Brooke Corry

Concerns that have been discussed amongst neighbors;

Low income housing

What will be the price point for these?

Average income for Great Falls – this will determine who is able to rent

Increase in crime

Overflow parking

Soil/water test

Bird habitat

Traffic

Apartment building VS Townhomes

West Elementary School will have to absorb the children

Train tracks blockage

Maximum unit restriction

December 12, 2023

To whom it may concern:

The proposed rezoning and development of apartments and townhomes in the Garden Home Tracts area must NOT happen! This will destroy our neighborhood! We are currently a very quiet, relatively crime free neighborhood and we want it to stay that way. Having almost 100 new families will increase both crime and traffic. 2nd Street SW and 10th Avenue SW are part of the River's Edge Trail, we don't have sidewalks and so people of all ages use our roads as a place to walk their dogs, ride their bikes, and run. We also have a lot of wildlife in the neighborhood such as deer, porcupines and racoons. All the extra traffic would be dangerous to the people and the animals.

In addition, this area is in the flood zone, so again, a terrible place to put 100 families. And, the Garden Home Park, directly next to the proposed build site, is a Riparian Restoration Project and an extra 100 families could affect the health of the riparian ecosystem.

There definitely is a spot to put what is being proposed, but this spot is not the right spot. We are aware that Great Falls needs additional housing, but please, not here. Please take it elsewhere where it wouldn't cause so much damage.

Thank you.

Michael S & Paige A Smith
525 10th Ave SW
Great Falls, MT 59404
(406)799-7367 and (406)564-7265

Kayla Kryzsko

From: Lonnie Hill
Sent: Thursday, December 14, 2023 8:51 AM
To: Kayla Kryzsko
Subject: FW: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Kayla – Please add the correspondance below to the public comment for the Bay View Rezone request.
 Thanks!

Traffic study for development on Bay drive

Email: jwblake32@gmail.com

Name: Jacob Blake

Status: New

Assigned To: Ihill (Planning and Community Development)

Ticket ID: 291077aaf

To whom it may concern,

I am reaching out with regards to the development of apartment buildings and condominiums intended to be built near the river on 2nd St SW and Bay Drive.

It is my knowledge that no traffic study is scheduled or intended to be done before the city considers whether to rezone that parcel of land for the development.

I am strongly opposed to this decision to not consider a traffic study and the impacts of significantly increasing the flow of traffic up the street on which I reside as both my family and I live in this neighborhood. And while we are acutely aware of the detrimental affects this development and it's increased traffic will have on our living environment, it appears to me that those with the power to make such decisions (those to whom this email is addressed) have blatantly overlooked this impact and who may not even care about it's impact when it doesn't directly affect their own living environment.

I implore you to take into consideration a resident of this neighborhood and one to whom this knowledge was brought to his attention. I speak in behalf of many other neighbors who were kept in the dark with no knowledge of this intended development.

Once again, please reconsider a traffic study of this development on this neighborhood and please reconsider the zoning of the land in consideration.

Thank you.

Jacob Blake

Kayla Kryzsko

From: Lonnie Hill
Sent: Monday, January 8, 2024 11:26 AM
To: jwblake32@gmail.com
Cc: Kayla Kryzsko
Subject: RE: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Jacob – Sorry for not getting back to you last week, I got a little behind on emails. Thank you for sending over the public comment. It will be included in the packet of public comment that was submitted and provided to the Zoning Commission and the City Commission. Please let me know if you have any other questions.

Regards,



Lonnie Hill, CFM
Senior City Planner, Floodplain Administrator
Planning & Community Development Department
Planning Division, City of Great Falls
T 406-455-8435
E lhill@greatfallsmt.net

From: jwblake32@gmail.com <jwblake32@gmail.com>
Sent: Thursday, January 4, 2024 9:55 PM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Re: Ticket ID: 291077aaf - Traffic study for development on Bay drive

Thank you Lonnie for your help and responses. You have been very helpful

I would like to provide a comment to be read, if you don't mind:

“To whom it may concern.

With regards to the development of apartment buildings and condominiums intended to be built near the river on 2nd St SW and Bay Drive and as a resident in this neighborhood, I wish to voice my concerns about the increase in traffic this would bring to already subpar roads. Currently there are no sidewalks, no storm drains, and scarcely room to pass another vehicle on these roads, even without any cars parked on the roadside. As such, whenever it rains, large muddy puddles collect on both sides of the road which are difficult to avoid when driving. When it freezes, the puddles and standing water turn to ice making it cumbersome to drive through. In addition, any form of predication makes it unsightly and difficult to walk. Storm drains and sidewalks would immensely help this issue, as well as greatly improve the quality of the neighborhood and value of the homes to the homeowners and the city.

I would think that a neighborhood so centrally located on the west side of Great Falls would greatly benefit the city to include these improvements. Especially a neighborhood so poised for developments, increased traffic, and new city members.

Please consider my thoughts and concerns with regards to improving the roads by adding sidewalks and storm drains, and know that my voice is shared by many in this neighborhood who may yet be unaware of these changes and developments that are under consideration.

Thank you,
 Jacob Blake “

My address is
923 4th St SW
Great falls MT 59404

Once again. Thanks for the help Lonnie!

Jacob Blake

On Dec 19, 2023, at 3:07 PM, Lonnie Hill <lhill@greatfallsmt.net> wrote:

to the development of apartment buildings and condominiums intended to be built near the river
on 2nd St SW and Bay Drive

Becky Chase

212 10TH AVE SW

GREAT FALLS MT 59404

City of Great Falls

Planning and Community Development Dept.

P.O. Box 5021, Great Falls, MT, 59403 5021

Att: L. Hill

Dear Sir;

I am against rezoning 805 2nd ST SW, Great Falls, MT 59404.

(1) Traffic

a. 9th ave SW narrow road

b. 10th ave SW narrow road

(2) Crime

(3) Bike route

a. interference with cyclists on 10th ave SW

b. interference with cyclists on park garden path

(4) Park Garden Park

a. hinder wildlife at Park

Sincerely,
Becky Chase

Kayla Kryzsko

From: Brock Cherry
Sent: Monday, January 22, 2024 8:38 AM
To: gs2bhill@aol.com
Cc: Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: RE: [Brock Cherry] Bay View Development Proposal (Opposed)

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Hill,

Thank you for your comment; it will be added to the application packet, which will be reviewed by the Planning & Zoning Board and the City Commission.

Have a great day,



Brock Z. Cherry, M.S.

Director

Planning & Community Development Department

City of Great Falls

T 406-455-8530, **C** 406-750-5365

E bcherry@greatfallsmt.net

From: City of Great Falls Montana <greatfalls-mt@municodeweb.com>
Sent: Sunday, January 21, 2024 8:11 PM
To: Brock Cherry <bcherry@greatfallsmt.net>
Subject: [Brock Cherry] Bay View Development Proposal (Opposed)

Beth Hill (gs2bhill@aol.com) sent a message using the contact form at <https://greatfallsmt.net/>.

January 21, 2024

Great Falls City Commissioners

City of Great Falls Planning and Community Development Director – Brock Cherry

I am writing regarding the re-zoning request for the property adjacent to Garden Home Park for the Bay View multi-family complex proposal.

This is wrong on so many levels.

First – they are building in a known flood zone. The property has been flooded (or nearly so) at least four times in the past 50 years, including the flood of 1964. Trying to correct any flood zone problem just moves the issue downstream. I've seen it happen in all the cities I've ever lived in (St. Louis, Mo, Cedar Rapids, IA, Winston-Salem, NC and here in MT).

The river bank and land is very sandy. Erosion can be seen happening when boats and jet skis run up and down the river. It just so happens that the city boat launch is just across the river. The soil does not appear to be very stable.

The development plan that supported development along the river front is old (2004 – Missouri River Corridor

plan). It was wrong to begin with and it is still wrong to develop to the river edge. Doug Wicks had the right idea. Use the riverfront to build walking trails. The current trails are a feature that helps draw new residents to the area. All areas of the River's Edge Trail are heavily used. Build more and it will get used. Build structures and it benefits just a few people. Structures degrade the natural beauty along the river.

Traffic problems were addressed, but the last traffic study was 2013. 10 years ago, there was not nearly as much traffic as there is now going up and down 6th St SW and on Central Ave W. Just try turning south (left) onto 6th St SW sometime during the day. So, to be relying on 10-year-old data to estimate the effect on traffic is just going to give you a wrong answer.

Garden Home Park is used by many walkers, runners, bikers and even bird watchers. It is only 6+ acres and doesn't even have a vault toilet. It will be more heavily used. Trash is a continuing problem. People recreate in the river as well. 92 dwellings right next door will add even more wear and tear on this park. Until I moved recently I walked up to the park several times a week and daily when the osprey are nesting.

Garden Home Park is nice because it isn't "developed". It attracts a side variety of birds throughout the year. NW Energy has even erected 2 Osprey nesting platforms. They have been in use since they were placed. The nesting success hasn't been good. Unless you consider 50% of the years they fledge young successful. They are closely watched by many park users. Smaller birds also use the park – many warblers, flycatchers, sparrows, wrens, pheasants, flickers, downy woodpeckers, merlins, hawks and even eagles have stopped by. What attracts them? The cattails growing in the storm drain ditch, the volunteer ash and Russian olive trees, the cottonwood trees, the thick growth along the river bank and between the park and what used to be a small trailer park. It is a small pocket refuge for wildlife.

I could go on about why this is just wrong, including considering the objections of neighboring property owners.

The best possible use for the adjacent property is to declare it an addition to Garden Home Park.

Beth Hill
29 Broken Spoke Lane
Great Falls, MT 59404
406-217-2364

January 27, 2024

To: City of Great Falls, MT (Civic Ctr.)
 P.O. Box 5021
 (Planning Dept.) atten: Lonnie Hill, CFM

From: Maurice B. Cameron Jr.
 607 10th Ave SW
 Great Falls, MT. 59404

Subject: Letter of Concern (Bay View Apartment, App./Proposal)

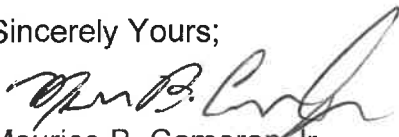
To Whom It May Concern:

Hello; my name is Maurice "aka" (Mark) Cameron). I've lived at this residence for over 25 years, and walked these streets of Great Falls as mailman for 20 of them years. I got to talk with, and personally know 1000's of these wonderful Montanans. What impressed me most from the get go, & (I'm a Jersey Boy) was their simple way of life! Excellent morals, helpful attitude, and their easy going demeanor (they don't even beep when the light turns green here) lo! They just want to maintain their (well earned) quality of life, and live in **Peace & Safety**!

I'll keep this short for now, and keep in mind; I'm a proponent (for) more affordable housing here in Great Falls, MT. **But not, not** when it (jeopardizes) the Peace & Safety, and not to mention the quality of life & property values of **ALL** concerned. i.e. current homeowners, renters, people using the "River Edge Trail" etc. I live here on 10th Ave SW aka (River Edge Trail) and see many mothers with infants, bicyclist, hikers etc. daily. Sometimes 100's daily In the Summer & Fall. That's not counting the existing vehicle, bike Traffic we have here currently. It's a past, and still an ongoing safety issue!

That said; this (Land Use Application) doesn't have the infrastructure to support the above concerns, especially the **Safety concern**. Also what's this M2 rezoning? Sounds like there's a future agenda! That's a big jump from a R1 zone, there's many options from R1 – M2 that can be used! In closing, let us reevaluate this "Proposal, and come to some middle ground here! You are for us homeowners, and the people's safety, "right"? Or are you for the investors??

Sincerely Yours;



Maurice B. Cameron Jr.

Cc/file/governor GG's office



January 21, 2024

City of Great Falls Planning and Zoning Board

RE: Bay View Development Rezoning

I am writing on behalf of the Great Falls Development Alliance (GFDA) in support of a zoning change for the proposed Bay View Development, and to insert into the public record documents which should be considered for this and future zoning recommendation decisions. GFDA strongly supports this zoning change and believes it is appropriate for the area and conforms with city land use policies.

Increasing the supply of quality housing for City residents is critically important. Doing so through land use policies that encourage increased density and infill development is a wise strategy for the City to continue to support to be able to afford to provide essential community services.

The Great Falls Development Authority (GFDA) is a community economic development partnership and certified Community Development Financial Institution (CDFI). We are organized as a Montana non-profit 501 (c) 3 charitable corporation. GFDA is a broad public, private, nonprofit partnership that serves the Great Falls Montana MSA and the surrounding thirteen-county rural and tribal trade area of north central Montana. Our partnership includes the City of Great Falls, Cascade County, Great Falls College MSU, Little Shell Tribe of Chippewa Indians, University of Providence, Great Falls Public Schools, Great Falls International Airport Authority, Great Falls Tourism, Great Falls Area Chamber of Commerce, NeighborWorks Great Falls, Downtown Development Partnership of Great Falls, Great Falls Association of Realtors, Homebuilders Association of Great Falls, Sweetgrass Development, Great Falls Business Improvement District, Cascade County Tavern Association, McLaughlin Research Institute, and over 130 leading local businesses and institutions who invest in our work.

Increasing housing production is the highest priority for GFDA because housing costs have the largest impact on cost of living overall. The best tool we have available to keep housing costs from rising is to increase our supply of available housing units in the market. Developments like Bay View, which increase density adding homes within the existing footprint of the City of Great Falls, are essential to affordably meeting the housing supply needs of our city, are consistent with existing growth and development plans endorsed by the City of Great Falls as well as recommendations from state-level leadership, have a positive effect on neighboring property values, and lower crime.

There is a significant undersupply of housing forecasted in Great Falls and Cascade County over the next 10 years, **about 4,500 units** ([Concord Group, 2021](#)). This undersupply leads to increases in home sales and rental prices, and the dilapidation of existing housing stock. New home stock can act as a market force requiring existing stock to be rehabilitated, upgraded, and vacated by residents who have the financial capacity to afford newly build homes, leaving older stock available for workforce ([Concord Group 2021](#)). Additionally, a supply approach to affordability in the housing market can stabilize or reduce rents, decreasing the likelihood of existing residents being displaced ([Governor's Housing Task Force, 2022](#)).

The proposed Bay View development meets the call set forth in the 2004 Missouri River Urban Corridor plan as well as the 2022 Governor's Housing Task force recommendations. The Missouri River Urban Corridor plan calls for new regulations to allow appropriate riverfront development that orients new housing to the open space and river amenities the City of Great Falls already offers, specifically stating "a list of land uses that reinforce the new vision for the Missouri River Corridor" to include "Urban residential rental apartments 2-4 story owner [-occupied] condominiums, 2-4 story urban lofts, row houses, and townhouses..." ([CTA LandWorks Group, 2004](#)). The best way to encourage development is to partner with developers to support projects that can feasibly increase density and for municipalities within the state to incentivize density ([Governor's Housing Task Force, 2022](#)).

This board will certainly hear concerns about increased density lowering home values and increasing crime. These concerns are not substantiated in land use planning literature. Peer reviewed research suggests that not only does new higher-density development not adversely affect nearby home values but can increase sale prices of single-family homes within 2,000 feet ([Haughey, 2005](#); [Craw, 2017](#)). Crime rates within this type of proposed development do not significantly differ from those at lower-density development ([Haughey, 2005](#)). Locally, our police department relies on crime data to determine where to deploy patrol resources most effectively. New apartment developments in town do not attract crime nor would recent crime data support the need for Great Falls Police department officers to patrol these apartments to prevent crime (Schaffer, 2023).

Please find documentation of the above-referenced land use planning studies below. I look forward to reviewing the City Planning staff findings and testifying in person when the rezoning hearing is scheduled.

Thank you for your continued support of sound land use practices throughout the City. The Bay View development will bring substantial benefits to the neighborhood and the entire Great Falls community.

Very truly yours,



Brett Doney, AICP
President & CEO

References:

Concord Group. (2021) Housing Market Demand Assessment for Great Falls, Montana. www.theconcordgroup.com. Link to assessment summary:

<https://growgreatfallsmontana.org/wp-content/uploads/2023/12/Great-Falls-Housing-Demand-Summary-12-21.pdf>

CTA LandWorks Group. (2004) Missouri River Urban Corridor Plan. Great Falls, Montana 2004. Link to Corridor plan:

https://greatfallsmt.net/sites/default/files/fileattachments/planning_and_community_development/page/27411/mrucp1.pdf

Craw, M. (2017). Effects of Multi-Family Housing on Property Values, Crime and Code Violations in Little Rock, 2000-2016.

https://ualr.edu/publicaffairs/files/2016/06/lr_multifamily_report_final.pdf

Governor's Housing Task force. (2022) Recommendations and Strategies to Increase the Supply of Affordable, Attainable Workforce Housing.

https://deq.mt.gov/files/About/Housing/HTF_PhaseI_Final_10142022.pdf

Haughey, Richard M. (2005) Higher-Density Development: Myth and Fact. Washington, D.C.: ULI—the Urban Land Institute, 2005.

https://uli.org/wp-content/uploads/ULI-Documents/HigherDensity_MythFact.ashx.pdf

Schaffer, Cpt. John. (2023) Apartment Data. Email to Jake Clark. December 12, 2023. Available upon request.

February 5, 2024

Karen and Ed Venetz
939 2nd St. SW
Great Falls, MT 59404

City of Great Falls Planning Advisory/Zoning Commission
2 Park Drive
Great Falls, MT 59401

RE: Zoning Map Amendment at 805 2nd St SW from R1 to M2

Dear Commission members,

We are writing to express our concerns about the project. We are unable to attend in person to express our concerns.

It's in the news daily Great Falls is experiencing a housing shortage. This project agrees with the Missouri River Corridor Plan's strategy to encourage land use change along the Missouri River; the strategy also includes and encourages careful planning and development.

Our concerns include:

- Increased volume of traffic:
 - Thank you for conducting a traffic impact assessment. Staff determined roadway volumes for the project are within the normal range for the residential local roadway of 2nd St. SW and 10th Ave SW and a non-residential roadway of Huffman Ave and Bay Drive.
- Did the analysis include?:
 - Lack of sidewalks on the roadways
 - Both roadways are Bike Routes leading to the Rivers Edge Trail
 - Frequent speeding
 - Lack of adhering to the STOP sign at the intersection of 10th Ave SW and Bay Drive
 - Tight corner at 10th Ave SW and 2nd St SW – again no sidewalks
- Photos of the area are included in this email; if you have not personally inspected the area, I strongly recommend it.
- Would the following be considered?:
 - Frequent patrolling
 - Installation of speed bumps to deter speeding

Zone Change

- How is the community assured that the change from R1 to M2 zoning includes only apartments and townhouses? What will keep the property owner from changing the submitted plans to another project type allowed under M2 zoning?

River shoreline

- The Missouri River in Cascade County is closed to motorized watercraft from the Burlington Northern Railway Bridge No. 119.4 at Broadwater Bay in Great Falls to Black Eagle: and it is a controlled no-wake zone 200 feet from the western shore as buoyed from the Warden Bridge on 10th Ave. S to the Burlington Northern Railway Bridge from May 1 to September 30.
- This area is extremely busy and noisy during the summer months.

As per the MRCP Guiding Principles, No. 3, The Corridor Plan will promote beneficial, sustainable economic development that utilizes the river as an amenity while preserving and enhancing its ecological integrity and asset values. Specifically, water quality, natural shoreline vegetation, and wetlands will be restored, enhanced, or protected, and the river's environmental health will not be compromised by development.

Respectfully submitted,
Karen and Ed Venetz
kvenetz183@gmail.com
406-868-5989







From: Bill Budeski, 614-10th Ave. SW, Great Falls, MT 59404

To: Planning Advisory Board/Zoning Commission

My name is Bill Budeski, I live at 614-10th Ave SW and have been for 60 plus years. Our neighborhood is zoned "**A Suburban Single Family Dwellings**".

I am AGAINST the rezoning request for 805-2nd St SW, for an apartment/condo complex. If this is passed, we will have no say over what other buildings could be built in this area!

This request will impact a peaceful neighborhood in many negative ways. This will involve excessive vehicle traffic, 100 plus apartments & condos, numerous people and their friends, as well as noise. This will infringe on our neighborhood family's peace and well-being in their lives on 10th Ave. SW. It will also increase traffic, which is not needed. It will impact 6th St SW & Fox Farm/10th Ave So. which is already overwhelmed by traffic. 10th Ave SW is also the upper west end of the start of River's Edge Trail and gets a lot of use, from March thru October with family's walking, biking, jogging etc. It is a

The center line is off 10', poor drainage with excessive water puddling from rain and snow melt. The existing traffic is already a problem with **excessive speeding** because there is no side streets to slow it down. There are 5-6 blocks in length, East from 6th St. SW to 4th St. SW hill. **We Do Not Need Any More Traffic.** 10th is not a Thru St and doesn't Need to Be One.

People who dwell in apartments Do Not Pay Any Property Taxes! Only Home Owners Do! We are already taxed enough on our home & Properties.

PLEASE VOTE NO ON THIS REZONING REQUEST as it is not in the best interest our neighborhood.

Thank you,

Bill Budeski

Lonnie Hill

From: Yonker, Charity N. <cnyonker@cascadecountymt.gov>
Sent: Monday, February 12, 2024 11:42 AM
To: Lonnie Hill
Cc: Brock Cherry
Subject: PH - Zoning map amendment to change the zoning of the property addressed as 805 2nd Street NW

Good morning, Lonnie:

Before considering this proposal, I would ask the respective Board to consider and vet whether Phase 2 and Phase 3 of this project are feasible before approving a rezone. The Applicants state that they intend on submitting a Conditional Letter of Map Revision to FEMA in the application. It states in the Staff Report that Phase 2 and Phase 3 are in the Special/Regulated Flood Hazard Area of the Missouri River currently. Based on the FEMA FIRMette, there are portions of the subject properties containing Floodway and Flood Fringe of Zone AE. A Conditional Letter of Map Revision will involve a flood study that can take more than a year to complete depending on the skill of the consultant and their availability just to support the request to FEMA. There remains the possibility that FEMA will deny the final LOMR request. If that would occur, then these properties would be rezoned and opened to a variety of uses beyond multifamily housing and there is a risk this particular proposal may not even come to fruition.

Since the LOMR will be required to effectuate this proposal, the rezone is presented while it has already been determined by FEMA and the community at large through its floodplain ordinance, that the development will be taking place in a flood hazard area where work done on this property may also impacts other landowners during a 100-year flood event and in general terms has public safety issues from the location in the flood hazard area. There is no engineering analysis provide that supports there will be no flood risk with the Application proposal or the MT-2 Form submittal to FEMA for review. The Application states they plan on bringing in fill raise the properties. No quantitative data is provided that the quantity of fill proposed and the depth involved to raise the terrain will not adversely impact nearby property owners or be able to withstand a 100-year flooding event. Clearing vegetation and running sprinkler systems, typical of these types of developments, also acts to destabilize the floodplain and decrease the floodplain's ability to absorb flood waters.

If FEMA's comments on the CLOMR are favorable, then it would be appropriate to consider the rezone application at that time when there are some reassurances that the design proposal meets at least the minimum NFIP requirements. Alternatively, the Applicant could amend the Application proposal to only include Phase 1 that is not within the SFHA to eliminate this flood hazard concern.

Another point to consider, whether the agreement between the City and the Applicant will actually be upheld under the law and by the Applicants. Completing the rezone now even with an agreement between the City and the Applicants that the current property owners/Applicant will not utilize this property for other types of purposes otherwise allowed within the M-2 District, does not prevent this agreement from being deemed unenforceable, or alienable to subsequent property owners. Rhetorically, looking into the future beyond this proposal, once the rezone is completed how can the City attempt to restrict permissible or applying for conditional permitting for land uses allowed by the zoning District in which these Lots are now located without being contrary to the law (zoning ordinance).

Alternatively, there is the option to do a zoning text amendment process to add a multi-family dwelling use as either a principle or conditional use within the R-1 District that would appropriately restrict the types of uses otherwise allowed in the M-2 District through the zoning ordinance that would better address land use compatibility between the R-1 and M-2 Districts.

To sum up, the general public safety concern when it comes to flood risks should be heavily considered. Once at least a CLOMR has been positively commented on by FEMA, this rezone proposal could then be examined and acted upon (the community will have the available data submitted to FEMA, will have done a review that it meets the City's floodplain requirements, and FEMA will provide assurances that it will meet the NFIP minimum requirements). Please also consider

a zoning text amendment to reexam the R-1 District as a whole to incorporate multi-family dwelling use (likely a conditional use) as an alternative to performing a map amendment and agreement with the landowner(s).

Please consider these written comments when evaluation this Application proposal.

Charity N. Yonker, CFM

Cascade County Planning Director/Floodplain Administrator

Cascade County Planning & GIS Department

121 4th Street North, Suite 2H/I

Great Falls, MT 59401

Phone: (406) 454-6905

Fax: (406) 454-6919

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Lonnie Hill

From: Jamie Nygard
Sent: Tuesday, February 13, 2024 9:45 AM
To: Lonnie Hill
Cc: Rachel Campbell; David Dennis; Andrew Finch
Subject: FW: Stainsby Rezoning Request — Bay View

FYI for this afternoon's meeting.

From: Brett Doney <bdoney@growgreatfalls.org>
Sent: Tuesday, February 13, 2024 8:40 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Cc: Jake Clark <jake@growgreatfalls.org>; Jolene Schalper <jschalper@growgreatfalls.org>; Brock Cherry <bcherry@greatfallsmt.net>; Spencer Woith <spencer@woitheng.com>
Subject: Stainsby Rezoning Request — Bay View

Unfortunately, I will not be able to attend this afternoon's hearing.

To supplement the letter that I have already submitted for the record, I would like you to go on record after review of the City Planning staff's agenda report and findings of fact that I fully concur and endorse the staff agenda report and findings of fact and urge approval by the City Zoning Commission.

I do not believe the facts warrant additional study. The staff work has been thorough and supported by City land use policy and best practice planning standards.

Brett Doney, AICP
 President & CEO

Great Falls Montana Development Alliance

High Plains Financial
 Direct Mobile 1-406-750-2119
 Connect with me on [LinkedIn](#)!

Untame Your Entrepreneurial Spirit in Great Falls Montana

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LiveinGreatFalls.com

Follow us on social media: [Facebook](#) | [LinkedIn](#)

[Click here to get the latest regional business news delivered to your inbox with the Great Falls Top Ten!](#)

GFDA and HPF are proud to be equal opportunity employers, lenders, and providers.

Lonnie Hill

From: Jamie Nygard
Sent: Tuesday, February 13, 2024 9:44 AM
To: Lonnie Hill
Cc: Rachel Taylor; David Dennis; Brock Cherry; Andrew Finch
Subject: FW: Bayview Apartments at 805 2nd St SW

FYI for this afternoon's meeting.

From: Jane Brinkman <gijane107@gmail.com>
Sent: Tuesday, February 13, 2024 9:42 AM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Bayview Apartments at 805 2nd St SW

Upon reading the planning/zoning board's papers about this project, I have questions about where their information was received. We do not have boulevards. We have had a motorhome parked on our street since the Tuesday before Thanksgiving. The bike study from 2014 has not been updated. The few day traffic study taken from last fall was during one of the slowest times of the year! Two cars per unit in a 92 unit complex does not equal 132! There is not enough parking on this 4.5 acre parcel to support this size of a complex! The neighboring property values will certainly not be increasing. When there is a train derailment and trains are now going through Great Falls and the crossings are blocked, our 10th Ave SW cannot support this increased traffic! This project affects more than just the neighbors within the 150 foot area. Please find a different property for this size of a project and do not permit this zone change!



Virus-free. www.avast.com

February 13, 2024

To: CITY OF GREAT FALLS-CITY COMMISSION/ PLANNING BOARD

Attached is a list of ninety nine (99) property owners opposed to the rezoning proposal of 805 2nd Street SW currently before the city planning board.

These signatures comprise essentially the entire neighborhood from 2nd Street SW, 10th Ave SW, and 9th Ave SW; all opposed to a change of zoning.

Sincerely,
Kirby Berlin
825 2nd Street SW
Great Falls, Mt 59404
406-217-3514

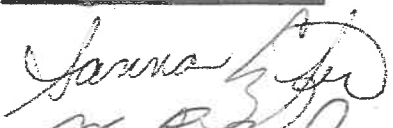



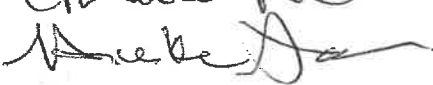
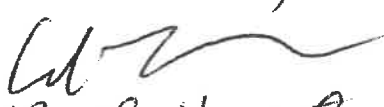
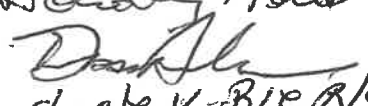
12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W. (within 150')

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	Martha M. Berlin	827 2nd St. S.W.
Joseph BERLIN	[Signature]	827 2nd St SW
Alexander Smithson	Alexander Smithson	820 2nd St. SW
Kent Stokes	(see Attached) (Also wrote letter)	821 2nd St. SW
Donald Schmidt	Donald Schmidt	900 2nd St. S.W. - Renter
Sheryl Schmidt	Sheryl Schmidt	900 2nd St SW
R. Dewey Schmidt		900 2nd St. S.W
Wanda Carlson	Wanda Carlson	814 2nd ST SW
Kirby Berlin	[Signature]	825 2nd St SW
Lawrence Gadbow	[Signature]	803 2nd ST SW
Kathy Steffenson	Kathy Steffenson	826 2nd St SW
Steve Steffenson	Steve Steffenson	826 2nd ST SW

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.
(Residents not within the 150ft area)

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Sanna Cziro		605 70th Ave SW.
Maurice Cameron Jr		607 - 10th Ave SW
Bill Budeski	Bill Budeski	614-10th Ave SW
LeAnn Budeski	LeAnn Budeski	614-10th Ave SW
William Fisk		
William Fisk		618 10th Ave SW
Rochelle Fisk	Rochelle Fisk	618 10th Ave SW
Christine Adamson	Christine Adamson	628 10th Ave SW
		628 10th Ave SW
Gary Adamson	Gary Adamson	628 10th Ave SW
Bertha Dykeman	Bertha M Dykeman	800 10th Ave SW
Ed Cole Turner		834 10th Ave SW
Neil Hentel	Neil Hentel	815 10th Ave SW
Dorothy Hentel	Dorothy Hentel	815 10th Ave SW
Daniel Anderson		704 10th Ave SW
Shirley Bierlein		
Helen Bierlein	Shirley Bierlein	813 10 Ave SW
	Helen Bierlein	813 10 Ave SW

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.

(Residents not within the 150ft area)

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Randy Steffenson	[Signature]	612 10th Ave SW
Norman Miller	Norman Miller	505 10th Ave SW
SANDRA MILLER	Sandra Miller	505 10th Ave SW
Calvin Anderson	Calvin Anderson	501 10th Ave SW
Shirley Anderson	SHIRLEY ANDERSON	501 10th Ave S.W.
Brittany Mendenhall	Brittany Mendenhall	621 10th Ave SW
Aimee Steffenson	Aimee Steffenson	421 10th Ave S.W.
Casey Steffenson	Casey Steffenson	421 10th Ave S.W.
Cheryl Steffenson	Cheryl Steffenson	421 10th Ave S.W.
Dorinda J. Iverson	Dorinda J. Iverson	412 10th Ave S.W.
Judy W. Mortensen	Judith W. Mortensen	324 10th Ave S.W.
Betty Funyak	Betty Funyak	208 10th Ave S.W.
Jerry L. Bundtrock	[Signature]	207 10th Ave S.W.
GERALD C. Eberl	Gerald C. Eberl	511-10 Ave SW
KURT HENNEFORD	Kurt Henneford	604 10th Ave SW
Erika Henneford	Erika Henneford	604 10th Ave S.W.
Max Magnus	[Signature]	201 Hoffman Ave

12-8-2023

We the undersigned are protesting
the proposed reasoning of property
at 805 2nd St S.W.
(Residents not within the 150ft area)

Print

Signature

Address

Sheryl Schmidt

R. Dewey Schmidt

~~XXXXXXXXXX~~

Mandee Nardinger

John Harding

Ronald Brinkman

Jane Brinkman

Sheryl Schmidt

~~XXXXXXXXXX~~

Mandee Nardinger
John Harding
Ronald Brinkman
Jane Brinkman

910 2nd St. S.W

910 2nd St. S.W

~~XXXXXXXXXX~~

200 10th Ave SW

200 1/2 10th Ave SW

310 10th Ave SW

310 10th Ave SW

Esther Ferda Esther Juda 230 9th Ave SW
 JESSICA ELSTON 430 9th Ave SW
 FENNIE FOGERTY 500 9th Ave SW 67 MT 59104
 Lyle Fogerty 500 9th Ave SW 67, Falls

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 900 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Sheryl Schmidt
Owners phone # (464) 761-8289

Sheryl Schmidt

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 900 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Ronald Dewey Schmidt
Owners phone # _____

Ronald Dewey Schmidt

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 820 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Alexander L. Smithson
Owners phone # 406-217-1255

Alexander L. Smithson

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 910 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Ronald Dewey Schmidt
Owners phone # _____

Ronald Dewey Schmidt

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 814 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Alexander L. Smithson
Owners phone # 406-217-1255

Alexander L. Smithson

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 607-10th Ave SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely,


Owners phone # 406-868-1170

MAURICE B. CAMERON JR

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 905 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely,


Owners phone # 406-799-4712

TRAVIS DOBLER

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 805 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project;

Sincerely, Kent N. Stokes
Owners phone # _____

~ see Attached

I Kent N Stokes
Owner of, 821 2nd St.
SW, Great Falls, MT
Do strongly protest, the
rezoning of 805 2nd St.
SW, Great Falls, MT
Kent N Stokes
PO Box 47
Davenport Ca
95017

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 604 10th Ave SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Kurt Henneford
Owners phone # 406-217-3815

Erika Henneford 406-750-1645

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses. 915 2nd St. S.W.

I/we as property owners of Dorothy McCartney opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Dorothy McCartney
Owners phone # 406 452-0512

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 935 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Maria Beth Murphy
Owners phone # 406-781-5642

To: Those affected by the proposed REZONING of 805 2nd St SW and opposed to rezoning where the developers are proposing approximately 144 apartments and multiple condo/townhouses.

I/we as property owners of 805 2nd St SW opposed the rezoning effort for 805 2nd St SW, Great Falls, Mt, from R-1 to M-2 and any such extension of the project.

Sincerely, Lawrence Cambridge
Owners phone # 406-267-5189

Please remit by phone picture to Kirby Berlin 406 217 3514

Or

Drop off at 827 2nd St SW, Tribune box

Or

Call Kirby Berlin at 406 217 3514 for a pickup

Thank you, and please encourage neighbors and friends to attend the meetings to voice your opposition

Lonnie Hill

From: Brock Cherry
Sent: Friday, February 16, 2024 9:06 AM
To: Lonnie Hill
Subject: Fwd: [All City Commissioners] Zoning change request at 805 2nd St SW

Please add his to the City Commission report.

Get [Outlook for iOS](#)

From: Lisa C. Kunz <lkunz@greatfallsmt.net>
Sent: Friday, February 16, 2024 8:49:42 AM
To: Greg Doyon <gdoyon@greatfallsmt.net>; Charles Anderson <canderson@greatfallsmt.net>; Krista Artis <kartis@greatfallsmt.net>; Brock Cherry <bcherry@greatfallsmt.net>
Subject: FW: [All City Commissioners] Zoning change request at 805 2nd St SW

FYI

Please include in upcoming agenda packet for this item.

Lisa

From: City of Great Falls Montana <greatfalls-mt@municodeweb.com>
Sent: Friday, February 16, 2024 8:36 AM
To: City Commissioners <CityCommissioners@greatfallsmt.net>
Subject: [All City Commissioners] Zoning change request at 805 2nd St SW

Karen S Venetz (kvenetz183@gmail.com) sent a message using the contact form at <https://greatfallsmt.net/>.

Dear honorable Mayor and City Commissioners.

My husband and I sent a letter to the Zoning Commission meeting for the Tuesday, February 13th meeting. The same letter was also shared with Neighborhood Council #2. I don't see an opportunity to attach the letter to this email. After listening to the meeting via Zoom, I shared additional comments with the Neighborhood Council, who suggested I also share with the City Commissioners.

Good morning, Frank.

My husband and I watched the Zoning meeting yesterday.

In addition to our original letter, I would like to touch on:

I feel like the city was not taking the "traffic" subject as seriously as those concerned. I understand that they did not have to do a traffic study. It was kind that they did provide us with one. But, really, a one-day traffic study in December? This subject should be an issue moving forward. 10th Ave SW is already unsafe as it is, and with increased traffic, it will continue only to get worse. On-street parking at the trailhead on Bay Drive during the hot summer months makes the slight curve dangerous. If additional parking is allowed, it will make that area a nightmare. A reduced speed limit would help, but I doubt it would be followed or enforced. I'm not sure if the NC could request before moving forward with the re-zoning that speedbumps be placed in the most dangerous areas before moving forward as an option. It was also suggested that the citizens on 10th Ave SW have never requested sidewalks. I was unaware we could, and I suspect most of the neighborhood thinks the same.

Will Neighborhood Council #2 be able to review the Voluntary Development Agreement to ensure that the owners will truly serve the neighborhood, no matter who they may be in the future?

Thank you for serving on the Council.

Respectfully submitted,

Thank you to the Mayor and City Commissioners for serving.

Karen S Venetz and Edward Venetz

939 2nd St. SW

Great Falls, MT 59404

RECEIVED

MAR 18 2024

CITY CLERK

March 9, 2024

Great Falls City Commission

P.O. Box 5021

Great Falls, MT 59403

Regarding: Bay View Housing Development

Dear Commissioners:

My name is Darrell Block; I reside at 520 Kinglet Court; Great Falls, MT. I was born in Great Falls, worked most of my career in the city, having retired from the Davidson Companies as a Vice President a number of years ago.

The purpose of my writing this letter is to offer the Commission my opinion on the Bay View Housing Development that is proposed and currently under consideration by the City Commission.

Unfortunately, I have heard that there has been a great deal of negative comments expressed by city residents about this project.

My understanding is that for this project to proceed, a zoning change from R-1 single family to M-2 mixed use transitional is necessary for the project to proceed.

It is my opinion and recommendation that the City Commission should grant the requested zoning change and allow this project to move forward based on the following:

1. This project appears to be one that is specifically discussed and proposed within the 2004 Missouri River Urban Corridor Plan adopted by the city. The 2004 Plan identifies the opportunity and need for the development of "low maintenance, multifamily options such as apartments, condominiums, and townhomes" to accommodate the housing needs of Great Falls' diverse and aging population. Accordingly, I believe this project fits perfectly within the framework of the Corridor Plan and will expand low maintenance housing options for seniors and others in our community.
2. Having had friends living in the trailer court that previously existed on this property, any development, and certainly the proposed Bay View Housing project, will be a vast improvement over its prior use. This property was a blight on the community, and often times, attracted undesirable people and activities to the location. I would believe a review of Great Falls police records would support my position that repurposing this property will result in less crime and a safer residential community for the area.

3. If Great Falls is to achieve its future growth plans, there needs to be additional housing options of all kinds beyond those presently available that will help encourage and attract new businesses to locate in our city, as well as support growth and success of existing businesses in the area.
4. This project will, no doubt, provide an increase in property tax revenue for the city.

For the reasons noted above, it seems more than reasonable to me that the Bay View Housing project should receive the approval and support of the Great Falls City Commission.

If the members of the Commission have any questions regarding my recommendation, feel free to contact me at (406) 870-2613 or e-mail darrellblock@hotmail.com.

Sincerely,



Darrell Block

Kayla Kryzsko

From: Lonnie Hill
Sent: Wednesday, March 20, 2024 4:24 PM
To: Brock Cherry; Kayla Kryzsko
Subject: FW: Support of the Bay View Housing Project

From: Jim Dea <deateam@deateam.com>
Sent: Wednesday, March 20, 2024 11:17 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Support of the Bay View Housing Project

3-20-2024

Dear Mr. Hill,

I write this letter in support of the Bay View Project. I sit on three boards in Great Falls: Neighborworks, the REALTORS Association and GFDA. I am also the owner of New Day Property Managers and am a Full time Real Estate Broker and the Broker Owner of ERA Advantage Realty. Furthermore, my wife, Mary and I personally own several residential rental properties in Great Falls and continue to look for further opportunities to invest in rentals in Great Falls.

I hear it all the time, we need growth in Great Falls, just not in my neighborhood. Heck, I have said it. I certainly understand folks who are concerned about the area that they have lived in for a generation that could be adversely affected by a large project like this. However, my experience tells me there is a huge need for more rental housing in Great Falls. Our vacancy rate at New Day Property Managers is extremely low, as it is on our personal rentals. We have no problem finding tenants, they line up to rent, especially the nicer, well-kept units.

I am sure you are aware of the housing study that was completed a couple years back that showed a huge need for both owner-occupied housing and rental units over the near future. We absolutely need projects like this to help position Great Falls to attract businesses to develop in our area. This will also help keep our kids from moving away, by allowing them the opportunity to earn a decent living in Great Falls and Cascade Country. We also need to be concerned about keeping the opportunities / companies we have by allowing them the ability to expand. If their people do not have a place to live, they cannot grow.

Thank you for your consideration.

Respectfully submitted,

Jim Dea

God bless,

Jim Dea

Broker / Owner
ERA Advantage Realty Group
406 231 1830
Jim@DeaTeam.com
www.JimDea.com

To the Great Falls city leaders,

I am a 78 year old lifelong resident of Great Falls. I am writing you about the apartments being built on 805 2nd Avenue SW by the river. I think this is a great idea for Great Falls. It will be a wonderful place for people to live. Hope this is passed with the housing problem I hear about not only here but nationwide. If my opinion counts I am 100% for it.

Thank you,



Laurence Douglas Howard
717 4th Avenue North
Great Falls, Mt. 59401

RECEIVED

MAR 20 2024

CITY CLERK

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:25 AM
To: Thomas Micuda; Brock Cherry; Lonnie Hill; Sara Doermann; Kayla Kryzsko
Subject: FW: 805 2nd st sw protest signatures for those within 150ft and those of the neighborhood
Attachments: CamScanner 12-10-2023 15.59.pdf

Fyi.

From: Kirby Berlin <kirbyberlin@yahoo.com>
Sent: Sunday, December 10, 2023 4:03 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: 805 2nd st sw protest signatures for those within 150ft and those of the neighborhood

Try this powerful scanner app
[Sign up as a new user to get 1 GB of cloud. \(Download now\)](#)

Hello,
Attached are the two protest lists which include both a list of those protesting the rezoning of 805 2nd st sw within 150 feet of the subject property as well as another list of those in the neighborhood which protest this rezoning as well.

Thank you,
Kirby Berlin
Owner
825 2nd st sw
406-217-3514

Sent from my iPhone

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.

(Residents not within the 150ft area)

Print

Signature

Address

Sheryl Schmidt

R. Dewey Schmidt

~~_____~~

Mandee Nardinger

John Harding

Ronald Brinkman

Jane Brinkman

Sheryl Schmidt

~~_____~~

Mandee Nardinger
John Harding
Ronald Brinkman
Jane Brinkman

910 2nd St S.W.

910 2nd St S.W.

~~_____~~

200 10th Ave SW

200 1/2 10th Ave SW

310 10th Ave SW

310 10th Ave SW

Kirby
Berlin

Kirby

825

2nd St

SW

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.

PrintSignatureAddress

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	Martha M. Berlin	827 2 nd St. S.W.
Joseph Berlin	[Signature]	827 2 nd St S.W.
Alexander Smithson	Alexander Smithson	820 2nd St. SW
Kent Stokes	(see Attached) (Also wrote letter)	821 2nd St. SW
Donald Schmidt	Donald Schmidt	900 2 nd St. S.W. - Renter
Sheryl Schmidt	Syl Schmidt	900 2 nd ST S.W
R. Dewey Schmidt	[Signature]	900 2nd ST. S.W
Wanda Carlson	Wanda Carlson	814 2nd ST SW
Kirby Berlin	[Signature]	825 2 nd St SW
Lawrence Gadbow	[Signature]	803 2 nd ST SW
Mary Steffenson Kathy Steffenson	Kathy [Signature]	826 2nd St SW
Steve Steffenson	Steve Steffenson	826 2nd ST SW.

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:26 AM
To: Brock Cherry; Thomas Micuda; Lonnie Hill; Kayla Kryzsko; Sara Doermann
Subject: FW: Protest letter in regaurd to 805 rezoning 2nd st sw
Attachments: 20231210_143357.jpg

Fyi.

From: Steve Steffenson <steve@williamsonfence.com>
Sent: Sunday, December 10, 2023 2:41 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Protest letter in regaurd to 805 rezoning 2nd st sw

Sent from my Verizon, Samsung Galaxy smartphone
 Get [Outlook for Android](#)

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	<i>Martha M Berlin</i>	827 2nd St S.W.
Joseph Berlin	<i>Joe Berlin</i>	827 2nd St S.W.
Alexander Smithson	<i>Alexander Smithson</i>	820 2nd St. S.W.
Kent Stokes	(see Attached) (Also wrote letters)	821 2nd St S.W.
Donald Schmidt	<i>Donald Schmidt</i>	900 2nd St S.W. - Renter
Sheryl Schmidt	<i>Sheryl Schmidt</i>	900 2nd St S.W.
R. Dewey Schmidt		900 2nd St S.W.
Wanda Carlson	<i>Wanda Carlson</i>	814 2nd St S.W.
Kirby Berlin	<i>Kirby Berlin</i>	825 2nd St S.W.
Lawrence Gadbow	<i>Lawrence Gadbow</i>	803 2nd St S.W.
Mary Steffenson Kathy Steffenson	<i>Kathy Steffenson</i>	826 2nd St S.W.
Steve Steffenson	<i>Steve Steffenson</i>	826 2nd St S.W.

Kayla Kryzsko

From: Jamie Nygard
Sent: Monday, December 11, 2023 6:26 AM
To: Thomas Micuda; Brock Cherry; Sara Doermann; Lonnie Hill; Kayla Kryzsko
Subject: FW: Protest zoning of 805 2nd st s.w.

Fyi.

From: Sheryl Schmidt <sbschmidt63@gmail.com>
Sent: Sunday, December 10, 2023 2:39 PM
To: Jamie Nygard <jnygard@greatfallsmt.net>
Subject: Protest zoning of 805 2nd st s.w.

12-8-2023

We the undersigned are protesting
the proposed rezoning of property
at 805 2nd St S.W.

<u>Print</u>	<u>Signature</u>	<u>Address</u>
Martha M. Berlin	Martha M. Berlin	827 2nd St S.W.
Joseph Berlin	[Signature]	827 2nd St SW.
Alexander Smithson	Alexander Smithson	820 2nd St. SW
Kent Stokes	(see Attached) (Also wrote letter)	821 2nd St. SW
Donald Schmidt	Donald Schmidt	900 2nd St. SW - Renter
Sheryl Schmidt	[Signature]	900 2nd St SW
R. Dewey Schmidt	[Signature]	900 2nd St. SW
Wanda Carlson	Wanda Carlson	814 2nd ST SW
Kirby Berlin	[Signature]	825 2nd St SW
Lawrence Gadbow	[Signature]	803 2nd ST SW
Mary Steffenson Kathy Steffenson	Kathy [Signature]	826 2nd St SW
Steve Steffenson	Steve Steffenson	826 2nd ST SW.

From: [Darcy Dea](#)
To: [Krista Artis](#); [Lisa C. Kunz](#)
Subject: FW: Ordinance 3264 rezoning Map R-1 to M-2
Date: Friday, March 22, 2024 3:40:25 PM

FYI - Darcy

From: Darcy Dea
Sent: Friday, March 22, 2024 3:39 PM
To: 'rramssnappy@aol.com' <rramssnappy@aol.com>
Subject: RE: Ordinance 3264 rezoning Map R-1 to M-2

Thank you Richard. Your comments will be included in the April 2, 2024 City Commission packet.

Best regards,

Darcy Dea
Deputy City Clerk
P. O. Box 5021
Great Falls, MT 59403
406-455-8479

From: rramssnappy@aol.com <rramssnappy@aol.com>
Sent: Friday, March 22, 2024 3:10 PM
To: commission <commission@greatfallsmt.net>
Subject: Ordinance 3264 rezoning Map R-1 to M-2

This housing unit will affect all residents of Great Falls. The area along the river where we all use recreation use.

Boating, swimming, floating, fishing. This is not a good area for 190 apartments and town-homes.

There is land next to or on it that is zoned as FED Super Fund Hazard material land.

You can not take public lands from city and give to a developer. We do not need or want development in this area.

Thank you
Richard Ramstead
1408 5th Ave NW, Great Falls
rramssnappy@aol.com

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bayview Apartments
Date: Tuesday, March 26, 2024 11:12:18 AM

Krista - Please see the public comment below regarding the Bay View Rezone request.

-Lonnie

-----Original Message-----

From: Len Watkins <len@gustobev.com>
Sent: Tuesday, March 26, 2024 9:24 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bayview Apartments

Lonnie

I am sending this email in support of the apartment/housing project Bayview Apartments at 805 2nd street S.W.

Great Falls is in desperate need of housing of any kind. I am not even sure why we need to be voicing support for the project, it should be a done deal. One person complained it would increase traffic; another complained it would lower their value of their house (v.s. a trailer park); one person said rapes would increase in the neighborhood. Please don't listen to crazy people. This should be a no brainer.

Let me know what I can do to help move this project forward in my neighborhood.

Thank you

Len Watkins
President
Gusto Distributing
501 Crescent Circle
Great Falls, mt.

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bay View Documentation re: Spot Zoning
Date: Tuesday, March 26, 2024 11:53:45 AM
Attachments: [Outlook-hixjwdx.png](#)
[Spot Zoning Opinion.pdf](#)

Krista – Please see the public comment below and the attached PDF submitted in regards to the Bay View Rezone request.

-Lonnie

From: Jake Clark <jake@growgreatfalls.org>
Sent: Tuesday, March 26, 2024 11:35 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bay View Documentation re: Spot Zoning

Lonnie,
 We retained an independent 3rd-party AICP consultant to review the spot zoning concern for the Bay View development. As you can see from the attached letter, the current action does not constitute spot zoning, as it fails to meet the Little test. This finding is consistent with Mr. Doney's previous assertion and that of the city attorneys'. Please include this letter in the information presented to the commissioners.

Thank you!



LiveInGreatFalls.com
GrowGreatFallsMontana.org

*GFDA and High Plains Financial are proud to be equal opportunity employers, lenders, and providers.

Forrest Mandeville Consulting

PO Box 337
Columbus, MT 59019

March 25, 2024

Jake Clark
Great Falls Development Alliance
Via Email: Jake@GrowGreatFalls.org

Re: Rezone of Property at 805 2nd Street SW and Potential Spot Zoning

Dear Mr. Clark,

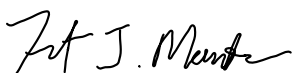
I have been asked to provide an opinion as to whether or not the proposed rezone of property at 805 2nd Street SW, legally described as Lot 1-A of the Amended Plat of Lot 1, Garden Home Tracts, and Mark 23A of COS 4153, located in the SE ¼ of Section 11, T 20 N, R 3 E, Cascade County, MT, from R-1 to M-2 could constitute “spot zoning” if approved by the City of Great Falls.

The primary definition of spot zoning in Montana was established by the Montana Supreme Court in the *Little v. Board of County Commissioners* decision in 1981. In this case, the Court established a three-part test to determine if spot zoning exists. This test requires that the proposed use is significantly different from surrounding uses, the area proposed for a zone change is relatively small, and the change is special legislation design to benefit one or a few landowners at the expense of surrounding landowners or the general public.

After reviewing the materials relevant to the zone change from R-1 to M-2, **it is my opinion that approving the request would not constitute spot zoning.** The subject property is across the street from similarly zoned property, therefore a rezone of this property does not meet the three-part *Little* test necessary to be considered spot zoning based on the plain reading of case law. Furthermore, adding property to a contiguous zoning district with established requirements and regulations is not generally considered to be “special legislation”.

This opinion is based on my understanding and reading of the application documents, as well as my nearly two-decades working as a land use planner in Montana. This opinion is specific to the question of spot zoning and does not necessarily extend to other aspects of the review of the zone change request.

Sincerely,



Forrest J. Mandeville, AICP
Forrest Mandeville Consulting

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bayview project
Date: Tuesday, March 26, 2024 11:56:24 AM
Attachments: [High-Density Development - Myth & Facts.pdf](#)
[image005.png](#)
[image006.png](#)

Krista – Please see the public comment below and the attached PDF in regards to the Bay View Rezone request.

-Lonnie

From: Katie Hanning <info@hbagf.org>
Sent: Tuesday, March 26, 2024 11:53 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bayview project

Lonnie,
Attached is a very useful flyer about the myths and facts of high-density development. We would like to have this given from the Home Builders Association to the City Commissioners to help them with the Bayview Apartments coming before them on April 2, 2024.

Katie Hanning
Home Builders Association of Great Falls
406-452-4663



Higher-Density Development

MYTH AND FACT



Urban Land
Institute

About NMHC—the National Multi Housing Council

NMHC is a national association representing the interests of the nation's larger and most prominent apartment firms. NMHC advocates on behalf of rental housing, conducts apartment-related research, encourages the exchange of strategic business information, and promotes the desirability of apartment living. One-third of Americans rent their housing, and 15 percent of all U.S. households live in an apartment home.

Doug Bibby, *President*

About Sierra Club

The Sierra Club's members are 700,000 of your friends and neighbors. Inspired by nature, we work together to protect our communities and the planet. The Club is America's oldest, largest, and most influential grass-roots environmental organization.

Larry Fahn, *President*

About AIA—the American Institute of Architects

Since 1857, the AIA has represented the professional interests of America's architects. As AIA members, more than 75,000 licensed architects, emerging professionals, and allied partners express their commitment to excellence in design and livability in our nation's buildings and communities. Members adhere to a code of ethics and professional conduct that assures the client, the public, and colleagues of an AIA-member architect's dedication to the highest standards in professional practice.

Douglas L. Steidl, *President*

About ULI—the Urban Land Institute

ULI—the Urban Land Institute is a nonprofit educational and research institute supported by its members. Its mission is to provide responsible leadership in the use of land to enhance the total environment. ULI sponsors educational programs and forums to encourage an open exchange of ideas and sharing of experiences; initiates research that anticipates emerging land use trends and issues and proposes creative solutions based on that research; provides advisory services; and publishes a wide variety of materials to disseminate information on land use and development. Established in 1936, the Institute has more than 24,000 members and associates from more than 80 countries representing the entire spectrum of the land use and development disciplines.

Richard M. Rosan, *President*

MYTH

Higher-density development overburdens public schools and other public services and requires more infrastructure support systems.

FACT

The nature of who lives in higher-density housing—fewer families with children—puts less demand on schools and other public services than low-density housing. Moreover, the compact nature of higher-density development requires less extensive infrastructure to support it.

MYTH

Higher-density developments lower property values in surrounding areas.

FACT

No discernible difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values.

3 MYTH

Higher-density development creates more regional traffic congestion and parking problems than low-density development.

FACT

Higher-density development generates less traffic than low-density development per unit; it makes walking and public transit more feasible and creates opportunities for shared parking.

MYTH

Higher-density development leads to higher crime rates.

FACT

The crime rates at higher-density developments are not significantly different from those at lower-density developments.

5 MYTH

Higher-density development is environmentally more destructive than lower-density development.

FACT

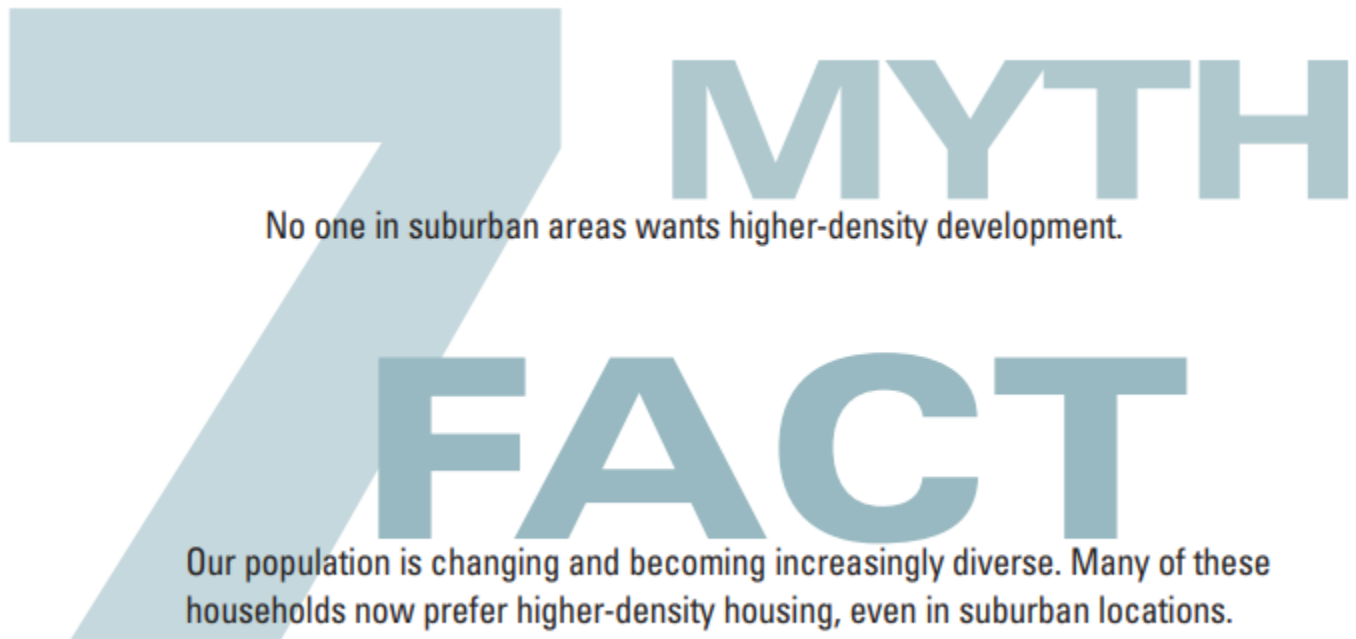
Low-density development increases air and water pollution and destroys natural areas by paving and urbanizing greater swaths of land.

6 MYTH

Higher-density development is unattractive and does not fit in a low-density community.

FACT

Attractive, well-designed, and well-maintained higher-density development attracts good residents and tenants and fits into existing communities.

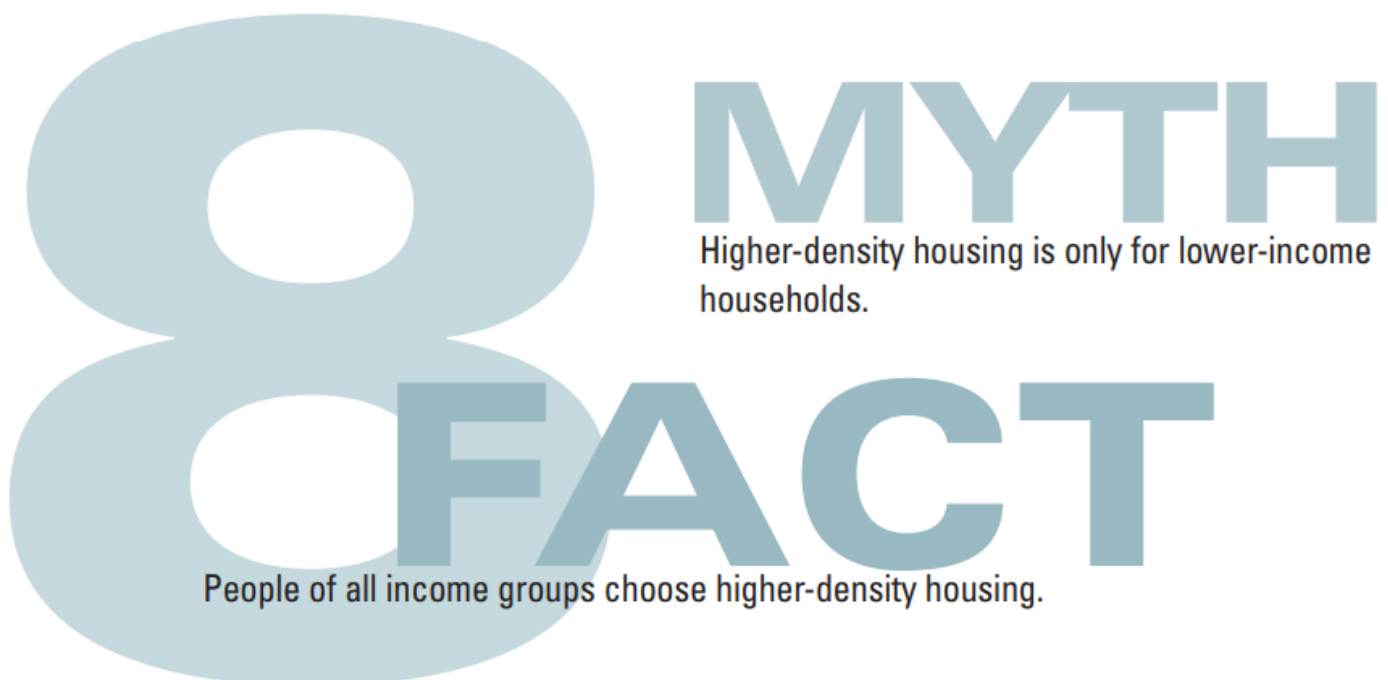


7 MYTH

No one in suburban areas wants higher-density development.

FACT

Our population is changing and becoming increasingly diverse. Many of these households now prefer higher-density housing, even in suburban locations.



8 MYTH

Higher-density housing is only for lower-income households.

FACT

People of all income groups choose higher-density housing.

Higher-Density Development: Myth and Fact America's changing population is creating demand for new types of homes, offices outlets. Better solutions are needed to the challenges created by changing demographics, dwindling natural areas, smog and public health issues, shrinking municipal budgets, and traffic congestion. Communities that answer these challenges will develop into great places to live. America will add roughly 43 million new residents—that's 2.7 million new residents per year—between now and 2020.¹ America is not only growing but also undergoing dramatic demographic changes. The traditional two-parent household with children is now less than a quarter of the population and getting proportionally smaller. Single-parent households, single-person households, empty nesters, and couples without children make up the new majority of American households, and they have quite different real estate needs.² These groups are more likely to choose higher-density housing in mixed-density communities that offer vibrant neighborhoods over single-family houses far from the community core. The fact is that continuing the sprawling, low-density haphazard development pattern of the past 40 years is unsustainable, financially and otherwise. It will exacerbate many of the problems sprawl has already created—dwindling natural areas and working farms, increasingly longer commutes, debilitating traffic congestion, and harmful smog and water pollution. Local officials now realize that paying for basic infrastructure—roadways and schools, libraries, fire, police, and sewer services—spread over large and sprawling distances is inefficient and expensive. Most public leaders want to create vibrant, economically strong communities where citizens can enjoy a high quality of life in a fiscally and environmentally responsible manner, but many are not sure how to achieve it. Planning for growth is a comprehensive and complicated process that requires leaders to employ a variety of tools to balance diverse community interests. Arguably, no tool is more important than increasing the density of existing and new communities, which includes support for infill development, the rehabilitation and reuse of existing structures, and denser new development. Indeed, well-designed and well-integrated higher-density development makes successful planning for growth possible. Density refers not only to high-rise buildings. The definition of density depends on the context in which it is used. In this publication, higher density simply means new residential and commercial development at a density that is higher than what is typically found in the existing community. Thus, in a sprawling area with single-family detached houses on one-acre lots, single-family houses on one-fourth or one-eighth acre are considered higher density. In more densely populated areas with single-family houses on small lots, townhouses and apartments are considered higher-density development. For many suburban communities, the popular mixed-use town centers being developed around the country are considered higher-density development. 6

Higher-Density Development Myth and Fact 7 Most land use professionals and community leaders now agree that creating communities with a mix of densities, housing types, and uses could be the antidote to sprawl when implemented regionally. And across the country, the general public is becoming more informed and engaged in making the tough land use choices that need to be made while understanding the consequences of continuing to grow as we have in the past. Many have also come to appreciate the “place-making” benefits of density and the relationship between higher-density development and land preservation. Media coverage of the topic of growth and development has also evolved. Past media coverage of growth and development issues was often limited to the heated conflicts between developers and community residents. Many in the media are now presenting more thoughtful and balanced coverage, and several editorial boards support higher-density developments in their communities as an antidote to regional sprawl. Yet despite the growing awareness of the complexity of the issue and growing support for higher-density development as an answer to sprawl, many still have questions and fears related to higher-density development. How will it change the neighborhood? Will it make traffic worse? What will happen to property values? And what about crime? Ample evidence—documented throughout this publication—suggests that well-designed higher-density development, properly integrated into an existing community, can become a significant community asset that adds to the quality of life and property values for existing residents while addressing the needs of a growing and changing population. Many people's perception of higher-density development does not mesh with the reality. Studies show that when surveyed about higher-density development, those interviewed hold a negative view. But when shown images of higher-density versus lower-density development, people often change their perceptions and prefer higher density.³ In a recent study by the National Association of Realtors® and Smart Growth America, six in ten prospective homebuyers, when asked to choose between two communities, chose the neighborhood that offered a shorter commute, sidewalks, and amenities like shops, restaurants, libraries, schools, and public transportation within walking distance. They preferred this option over the one with longer commutes and larger lots but limited options for walking.⁴ The 2001 American Housing Survey further reveals that respondents cited proximity to work more often than unit type as the leading factor in housing choice.⁵ Such contradictions point to widespread misconceptions about the nature of higher-density development and sprawl. Several of these misconceptions are so prevalent as to be considered myths. To some degree, these myths are the result of memories people have of the very high-density urban public housing projects of the 1960s and 1970s that have been subsequently deemed a failure. Somehow, the concept of density became associated with the negative imagery and social problems of depressed urban areas. The reality 8 Higher-Density Development is that complex interrelated factors such as the high concentration of poverty and poor educational and employment opportunities combined to doom the public housing projects. Even very-high-density housing can be practical, safe, and desirable. For example, the mixed-income apartments and condominiums or luxury high rises in New York and Chicago—some of the safest and most expensive housing in the country—prove that density does not equal an unsafe environment. The purpose of this publication is to dispel the many myths surrounding higher-density development and to create a new understanding of density that goes beyond simplistic negative connotations that overestimate its impact and underestimate its value. Elected officials, concerned citizens, and community leaders can use this publication to support well-designed and well-planned density that creates great places and great communities that people love. With the anticipated population growth and continuing demographic and lifestyle changes, consensus is building that creating communities with a mix of densities, housing types, and uses will be both necessary and desirable. Higher-Density Development: Myth and Fact is the sixth in a series of Urban Land Institute myth and fact booklets. The series is intended to clarify misconceptions surrounding growth and development. Other topics covered have included transportation, smart growth, urban infill housing, environment and development, and mixed-income housing. Higher-Density Development: Myth and Fact examines widespread misconceptions related to higher-density development and seeks to dispel them with relevant facts and information. Although the benefits of higher-density development are often understated, so are the detrimental effects of low-density development. The advantages and drawbacks of higher-density development are compared throughout this publication with the alternative low-density development. In the process, misconceptions regarding low-density development are also addressed.

MARCH 26, 2024

CITY OF GREAT FALLS
PLANNING & COMMUNITY DEVELOPMENT
DEPARTMENT PLANNING DIVISION
#2 PARK DRIVE SOUTH, ROOM 112
GREAT FALLS, MT 59401
PHONE: 406-455-8435
EMAIL: lhill@greatfallsmt.net

ATTN: LONNIE HILL

RE: BAYVIEW APARTMENTS PROJECT

Lonnie, I am writing this letter in support of the Bayview Apartments project at 805 2nd St. S.W. The current use of the property is a trailer park. This project will help improve the aesthetics of the property along with providing much needed new housing in Great Falls. Also providing jobs for our construction industry. Your assistance in this project is greatly appreciated.

Thank you,

John Einar Vice President,
Moderne Cabinet

From: [Lisa C. Kunz](#)
To: [Krista Artis](#)
Cc: [Brock Cherry](#); [Lonnie Hill](#)
Subject: FW: Zone change for Bay View Apartments
Date: Tuesday, March 26, 2024 8:10:18 AM

FYI

-----Original Message-----

From: Lisa C. Kunz
 Sent: Tuesday, March 26, 2024 8:10 AM
 To: 'Susan Broquist' <susanbroquist@yahoo.com>
 Subject: RE: Zone change for Bay View Apartments

Good Morning Susan - thank you for your written comments. Your comments will be included in the April 2nd agenda packet for Commission consideration of this public hearing item.

Best regards,

Lisa Kunz
 City Clerk/Records Manager
 Civic Center Room 204
 406.455.8451

-----Original Message-----

From: Susan Broquist <susanbroquist@yahoo.com>
 Sent: Monday, March 25, 2024 7:49 PM
 To: commission <commission@greatfallsmt.net>
 Subject: Zone change for Bay View Apartments

To whom it may concern

I wanted to express my thoughts on the request for zone change for the Bay View Apartment complex. I live in this neighborhood. My address is 711 10 Ave SW, Great Falls Mt MT 59404. We bought in this neighborhood 30 years ago as it is a R1 zoned area. We love the large lots and rural feeling of our neighborhood. We did not want to live in an area with apartments. We had a choice.

We also had a choice when we voted for city Commissioners. They are OUR voice and represent the residents of Great Falls. We ask that you listen to our concerns and our desire that this area remain a R1 zoned land. I feel because this is a "river view" piece of property the city feels they should exploit that without concern for the remaining resident on the corner of this property or the existing neighborhood. If this is allowed to happen in our neighborhood when we vehemently request that you deny the zone request then I feel the city will be allowed to make zoning changes at will without the opinion or respect of the residents of Great Falls. I, as a voter and resident of this neighborhood, request that this remain R1.

I understand that our City will continue to grow. There are other areas in Great Falls that are already zoned for apartments that should be considered for that growth. This should not be shoved into the middle of existing neighborhoods.

Thank you for your time,

Susan Broquist

Sent from my iPhone

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bayview Apartments
Date: Tuesday, March 26, 2024 3:55:33 PM

Krista - Please see the public comment below regarding the Bay View Rezone request.

-Lonnie

From: Shyam Dorn <shyam@gustobev.com>
Sent: Tuesday, March 26, 2024 2:28 PM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bayview Apartments

Good afternoon Lonnie,

I hope this email finds you well, I am just reaching out to express my full support for the Bayview Apartment Project.

I operate at 501 Crescent Circle and back the project whole heartedly. Not only am I confident the project would meet and exceed the standards of all, Great Falls would greatly benefit.

Great Falls has so many things going for it, the need for housing is paramount for the continued growth of the city. This project has my full support.

Thank you & have a great day!

Shyam Dorn
 Vice President Sales & Marketing – Gusto Distributing
 651-303-9154
shyam@gustobev.com

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bayview
Date: Tuesday, March 26, 2024 4:16:52 PM

Krista - Please see the public comment below regarding the Bay View Rezone request.

-Lonnie

From: Jon Boutilier <Jon.Boutilier@StockmanBank.com>
Sent: Tuesday, March 26, 2024 3:57 PM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bayview

Lonnie

Good afternoon,

I would like to take a opportunity to share with you my support for additional housing developments needed in Great Falls.

I have lived in Great Falls since 2006 and the energy created in the past 24 months has been outstanding thanks to many individuals and also the city support.

Thank you

Given my experience, Great Falls remains in dire need of quality housing projects to fulfill the need of high quality residents looking to move to Great Falls, downsize to a high quality rental or condo, or even convince family members to relocate back to Great Falls and find quality housing available.

I provide my support for the Bayview Housing Project which will make Great Falls a even Greater place to live and raise a family. We need additional housing in all areas of Great Falls and this fits the need.

This development will also begin a needed Riverfront housing "energy" in the city limits that has been neglected for many years

Additionally, I have experienced when quality housing is completed in a area, it can help motivate the entire area to upgrade/improve appearances and values.

Thank you for your time of listening to my support for this planned project and look forward to seeing it across the finish line for the better of making Great Falls Great .

If you would like to discuss , I can be reached at the below information.

Sincerely,

Jon Boutilier, Business Manager
 (406) 771-2796
 (406) 788-5394 cell

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Support of Bayview Apartments
Date: Wednesday, March 27, 2024 8:49:46 AM

Krista – Please see the public comment regarding the Bay View Rezone in the email below. Thanks

-Lonnie

From: Krista Smith <krista@greatfallsplans.com>
Sent: Tuesday, March 26, 2024 4:53 PM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Support of Bayview Apartments

Lonnie-

I just wanted to express my support for the proposed Bayview Apartments on 2nd Street SW. Our family has multiple properties on 10th Ave SW, as well as a business nearby. After years of looking at the trailer park deteriorating on that property, which I drive past daily, it is very exciting to have the opportunity to add a beautiful new complex to the area!

I also think this is wonderful for our community as we improve our beautiful river front. I often hear from people outside of Great Falls that it just seems odd that we do not take advantage of our river front areas. It is one of the best features of our city and yet we do not treat it as such. I would be delighted to hear someone comment that they were at Broadwater Bay and looked across to see nice looking properties instead of an old run down trailer park.

From a construction standpoint, I find it appalling that someone's "not in my backyard" attitude would stand in the way of updating the appearance of our community, adding much needed housing for a demographic that currently does not have much to choose from, and creating work that will feed dozens of families in our community with the construction. These are LOCAL folks that are putting LOCAL dollars on the line to develop this property. I am so tired of people in our community so against change. We NEED this and I FULLY support the proposed development.

I hope to see this project approved.

Thank you,

Krista Smith
 Great Falls Builders Exchange

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: Bayview Apartments
Date: Wednesday, March 27, 2024 8:51:17 AM

Krista - Please see the public comment for Bay View Apartment below. Thanks

-Lonnie

-----Original Message-----

From: Greg <greg@automotivemachinemt.com>
Sent: Wednesday, March 27, 2024 7:47 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: Bayview Apartments

This is a great idea Great Falls needs this.

KIAL VAN DAELE
27 5th AVE. SW

RECEIVED

MAR 27 2024

CITY CLERK

CITY CLERK
PO BOX 5021
GREAT FALLS, MT 59403

594035021

GREAT FALLS, MT 59403
MAR 27 2024 PM 11



MAR 27 2024

CITY CLERK

To all Great Falls City Commissioners,

I am a recent graduate of The University of Providence. When I moved here from Helena to start school I looked forever for a nice, safe, secure apartment and was put on waiting lists for the apartments I felt would fit my needs. If this would have been available then I would have been begging them to let me live there. This will be the perfect apartment building for anybody looking for a beautiful place to live and the trail will be an added bonus for getting out and enjoying the beautiful Missouri River. It has so many positives and zero negatives.

Thank you for your time,



Ariel VanDaele



Malmstrom Spouses Club
804 Birch St.
Great Falls, MT 59405

To Whom It May Concern,

My name is Katie Baugh and I am the current Malmstrom Spouses Club President. I have been stationed at Malmstrom Air Force Base for almost 6 years. As a military spouse, one of the first things that we think about when moving to a new base is where we are going to live. My family decided to live on base during this assignment and were lucky enough to secure housing within the first weeks we arrived. Unfortunately for many others, they have not been quite as lucky.

There are many factors that go into getting base housing in a timely manner like number of dependents, rank, timing, and just luck. For those that find themselves on the waitlist, many start to consider living off base. In the 6 years that we have lived here at Malmstrom, the struggle of finding adequate housing off base has been a common theme.

I have heard over and over again the struggle of finding something big enough for a family or adequate condition to live in while also being within the housing stipend we are given is next to impossible. Many find themselves in the situation of living in a hotel for months before they can get a house on base because there is nothing they can afford or even available for them in town.

I am writing this letter as a voice for all spouses at Malmstrom that any housing project will greatly benefit military families.

Best Regards,

Katie Baugh

Malmstrom Spouses Club
President 2023-2024

From: [Lonnie Hill](#)
To: [Krista Artis](#)
Subject: FW: letter on military housing
Date: Wednesday, March 27, 2024 1:06:06 PM

Krista – Please see the email below for public comment regarding the Bay View Rezone request.

-Lonnie

From: Cherie Fonnesebeck <cherie.gulliver@gmail.com>
Sent: Wednesday, March 27, 2024 10:53 AM
To: Lonnie Hill <lhill@greatfallsmt.net>
Subject: letter on military housing

Good Morning,

I was asked by the Malmstrom Spouses Club to submit a letter detailing my experience with moving to the area and looking for housing. Please find below my letter.

To whom it may concern,

When my family found out last year that the air force would be sending our family to Great Falls, we felt lucky. We had lived in Great Falls from 2016-2020 and looked forward to returning to a local community we still felt close to. When we began our search for housing, we were shocked to see how limited the housing options had become. With no off-base options that met our standards within our budget, we were placed on a base housing wait list. We moved back to Great Falls last summer with no idea where we would live. We spent three months living in temporary housing while we searched in town for an acceptable home. We even attempted to buy a home during this time, but were met with limited inventory and inflated pricing. When the base finally offered us an acceptable house, we reluctantly accepted and moved in. We are active in the Great Falls community, volunteering and participating whenever possible. It has been disappointing to be unable to find a physical place for our family to live in a community that we love to be a part of.

Cherie



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Approval of a Community Development Block Grant (CDBG) Funding Agreement with the Great Falls Housing Authority for the purchase and installation of twenty-four (24) Amana Furnaces.

From: Finance Department

Initiated By: Finance Department

Presented By: Tom Hazen, Grant and Project Administrator

Action Requested: Approval of the CDBG Funding Agreement in the amount of \$60,000.00 to the Great Falls Housing Authority.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the CDBG Funding Agreement in the amount of \$60,000.00 to the Great Falls Housing Authority for the purchase and installation of twenty-four (24) Amana Furnaces.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends approval of the requested CDBG Funding Agreement for an amount of \$60,000.00 to the Great Falls Housing Authority for the purchase and installation of twenty-four (24) Amana Furnaces for installation in low-income housing units.

Summary: The Great Falls Housing Authority has submitted a grant request to finance the purchase of twenty-four (24) Amana Furnaces. The current furnaces are nearing the end of their life cycle and are beginning to emit increased carbon dioxide levels. These new units will address these emissions while increasing efficiency and effectiveness. The City Grant Committee has reviewed and approved this application for funding.

Fiscal Impact: The cost of this project will be covered through CDBG funding.

Alternatives: If the Commission were to reject the proposed funding agreement, The Great Falls Housing Authority would need to postpone the project until other funding sources were secured.

Concurrences: Staff from the Administration, Finance, and Human Resource Departments reviewed the application as City Grant Committee members. This request is consistent with the City’s adopted Amended Annual Action Plan, which contains the goal of Housing Rehabilitation.

Attachments/Exhibits: 2023/2024 City of Great Falls – Great Falls Housing Authority Agreement

CITY OF GREAT FALLS
2023/2024 Community Development Block Grant Agreement
BY AND BETWEEN
THE CITY OF GREAT FALLS, MONTANA, AND
Great Falls Housing Authority

Great Falls Housing Authority, hereinafter referred to as the Grantee, hereby enters into this Agreement with the Planning and Community Development Department of the City of Great Falls, a Municipal Corporation of the State of Montana, hereinafter referred to as the City on this **2nd** day of **April, 2024**.

SECTION 1 – PROJECT DESCRIPTION

The Grantee has approved of, and hereby agrees to, the following project description, program budget and tentative activity schedule:

- A. The Grantee has been awarded as a subrecipient of the City to receive United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds in the amount of **\$60,000.00**.
- B. Personnel assigned to scope of work includes: **Greg Sukut, Executive Director**
Contact Information: **GregSukut@gfhousing.org; (406)453-4311**.
- C. The project scope will **include the purchase and installation of twenty-four (24) Amana furnaces into low-income housing units**. The project will be implemented during the time period of **April 2nd, 2024 to June 30, 2025**.
- D. Grantee is responsible for any costs and for expenses incurred in excess of the grant amount. Non-profit agencies will not be funded for staff salaries, benefits, office consumables, and rent payments for agency office space or utility costs. All grant funds will need to be expended by the Grantee prior to **June 30, 2025**. Any remaining unspent funds will revert back to the City after that date.
- E. Requests for extension can be submitted by the Grantee and considered for approval by the City. Extension requests must be submitted by **May 31, 2025**. Refer to *24 CFR 570.503* regarding Scope of Work, Time of Performance, and budget documentation.

NATIONAL OBJECTIVE

The CDBG national objective most pertinent to the proposed project is **Benefit to LMI Persons**.

Determination of eligibility is fully described in 24 CFR 570.200 through 24 CFR 570.209.

The project will address the national objective by **rehabilitating housing available to low to moderate income individuals**.

SECTION 2 – GENERAL CONDITIONS

A. GENERAL COMPLIANCE:

The Grantee agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570. These are the HUD regulations concerning the CDBG program. The Grantee also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. Additionally all regulations under 2 CFR 200 apply.

B. INDEMNIFICATION:

- a. The Grantee waives any and all claims and recourse against the City of Great Falls, including the right of contribution for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the Grantee's or any subrecipient's performance of this Contract.
- b. The Grantee shall indemnify and hold harmless the City of Great Falls and its agents and employees from and against all claims, damages, losses and expenses, penalties including attorney fees arising out of, or resulting from, the performance of the work, provided that any such claim, damage, loss, or expense which is:
 - i. attributable to bodily injury, sickness, disease or death or to damage or destruction of tangible property, other than the work itself, including the loss and use resulting therefrom;
 - ii. caused in whole or in part by any negligent act or omission of the contractor(s), and subcontractor(s), or anyone directly or indirectly employed by any one of them or anyone else, for whose acts any of them may be liable, regardless whether or not is caused in part or by party indemnified hereunder; and,
 - iii. caused in whole or in part by its failure to adhere to the terms of this contract.

C. SUSPENSION/TERMINATION/REIMBURSEMENT:

The Grantee agrees that suspension or termination of this project may occur if the Grantee materially fails to comply with any term of this Agreement, or any rules, regulations or provisions referred to herein, and that this grant may be terminated by the City for convenience. These conditions are fully described below in 2 CFR 200.338 and 2 CFR 200.339.

1. 2 CFR 200.338 Remedies for Noncompliance

- a. If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in § 200.207 Specific Conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:
 - i. Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
 - ii. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
 - iii. Wholly or partly suspend or terminate the Federal award.
 - iv. Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
 - v. Withhold further Federal awards for the project or program.
 - vi. Take other remedies that may be legally available.
2. 2 CFR 200.339 Termination
- a. The Federal award may be terminated in whole or in part as follows:
 - 1. By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
 - 2. By the Federal awarding agency or pass-through entity for cause;
 - 3. By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or
 - 4. By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish

the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety.

- b. When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).
 1. The information required under paragraph (b) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either –
 - i. Has exhausted its opportunities to object or challenge the decision, see § 200.341 Opportunities to object, hearings and appeals; or
 - ii. Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.
 2. If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:
 - i. Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;
 - ii. Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.
 3. Federal awarding agencies, shall not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

- c. When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in § 200.343 Closeout and § 200.344 Post-closeout adjustments and continuing responsibilities.

D. REVERSION OF ASSETS:

- 1. Upon final payment by the City, the Grantee agrees that any unspent funds shall no longer be obligated by the City to the Grantee.
- 2. The Grantee agrees to the following:
 - a. It will strive to deliver the kinds of services to the types of beneficiaries that will enable it to always meet at least one of the national objectives of the CDBG program referred to in *24 CFR 570.208*. This stipulation is in effect for five years from the date of issuance of the final payment by the City for this activity;
 - b. If at any time during these five years the Grantee is no longer conducting a program or programs that are CDBG eligible, the Grantee agrees to return all furnishings, equipment, or personal property that was paid for by CDBG funds, or reimburse the City in the amount that is equal to the value;
 - c. This agreement shall comply with the requirements specified in *24 CFR 570.503(b)(7)*; and
 - d. If any furnishings, equipment or personal property (under the above the criteria) are no longer in control or possession of the Grantee, said Grantee agrees to reimburse the City in the amount that is equal to the furnishing, equipment, or personal property value at the time of the purchase, and that the City may use any legal means necessary to obtain restitution for these items from the Grantee.

E. TERM OF THE AGREEMENT:

- 1. The term of this Agreement with the exception of Section 2-D above shall expire when the final payment is made or on **June 30, 2025**, whichever is later.
- 2. The term of the Agreement pertaining to Section 2-D shall expire only when the applicable criteria are met by the Grantee and accepted by the City.

F. PUBLICATIONS:

In all documents referencing the CDBG Project the Grantee agrees to insert the following language, to the fullest extent possible, and submit a copy to the City:
 “-funded by the City of Great Falls CDBG Program.”

SECTION 3 – ADMINISTRATION REQUIREMENTS

A. FINANCIAL MANAGEMENT:

1. The Grantee agrees to provide the City with the following documents (if applicable) before any funds are disbursed by the City:
 - a. This signed Community Development Block Grant Agreement;
 - b. Grantee's Articles of Incorporation;
 - c. Grantee's tax-exempt status certification;
 - d. Grantee's by-laws or other such operational information;
 - e. Any other pertinent information which the City requests; and
 - f. Any Grantee lease agreements.

2. The Grantee shall comply with the current requirements and standards, in effect to the date of this agreement, of *2 CFR, Part 200* and containing reference to *2 CFR, Part 230*, "Cost Principles for Non-Profit Organizations" or *2 CFR, Part 220*, "Cost Principles for Educational Institutions," as applicable, and with the following Attachments to *2 CFR, Part 215*:
 - (1) "Financial Reporting";
 - (2) "Bonding and Insurance";
 - (3) "Retention and Custodial Requirements for Records";
 - (4) "Standards for Financial Management Systems";
 - (5) "Monitoring and Reporting Program Performance";
 - (6) "Property Management Standards"; and
 - (7) "Procurement Standards".

B. DOCUMENTATION AND RECORD-KEEPING:

1. The Grantee agrees to maintain all records required by the Federal regulation specified in *24 CFR Part 570.506*, which are pertinent to the activities to be funded under this Agreement. Such records shall include but are not limited to:
 - a. Records providing a full description of each activity undertaken;
 - b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
 - c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
 - d. Financial records as required by *24 CFR Part 570.502*, and *2 CFR Part 200*; and
 - e. Other records necessary to document compliance with Subpart K of *24 CFR 570*.

2. The Grantee shall retain all records pertinent to expenditures incurred under this contract for period of five (5) years after the termination of all activities funded under this Agreement.
3. The Grantee shall maintain grant beneficiary information, as requested by the City which will include client eligibility for services, and client ethnicity. The Grantee agrees to provide the City all non-duplicated information required. This report is due, upon request of funds or, if not applicable, on or before **July 15, 2025**, and will cover the period from **April 2nd, 2024** through **June 30, 2025** unless otherwise specified by the City.
4. The Grantee understands that certain client information collected under this contract is private and use or disclosure of such information, when not directly connected with the administration of the City's or Grantee's responsibilities with respect to services provided under this contract, is prohibited. Client information that might be utilized for identity theft including Social Security numbers, bank account numbers, and other personal information shall be kept under lock and key by the Grantee.
5. The Grantee shall maintain real property inventory records which clearly identify properties purchased, improved, or sold. Properties retained shall continue to meet eligibility criteria and shall confirm with the "changes in use" restrictions specified in *24 CFR Parts 570.503 (b)(7)*, as applicable.
6. All Grantee records with respect to any matters covered by this Agreement shall be made available to the City or HUD, at any time during normal business hours, as often as the City or HUD deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Grantee within 30 days after the Audit Report. Failure of the Grantee to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments.
7. At the City's discretion, the City may monitor the Grantee on-site to review all Grantee records with respect to any matters covered by this Agreement. A fifteen (15) day notice of an on-site monitoring will be provided and in accordance with 24 CFR 570 Part 570.502(b)(vii). On-site monitoring of the Grantee will be conducted less frequently than quarterly and more frequently than annually.
8. Under the conditions of 24 CFR 570.508, public access to program records shall be provided to citizens with reasonable access to records regarding the past use of CDBG funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality, notwithstanding 2 CFR 200.337.

C. REPORTING AND PAYMENT PROCEDURES:

1. Program Income

The Grantee agrees that this CDBG activity, as proposed, generates no program income as defined in *24 CFR 570.500(a)* and therefore, the requirements of *24 CFR 570.504* are not applicable to this project. This paragraph does not nullify any of the requirements described in Section 2-D of this Agreement.

2. Payment Procedures

The City will pay to the Grantee/Contractor funds available under this contract based upon information submitted by the Grantee and consistent with any approved budget, and City policy concerning payments. Payments will be made for eligible expenses actually incurred by the Grantee, and not to exceed actual cash requirements. In addition, the City reserves the right to liquidate funds available under this contract for costs incurred by the City on behalf of the Grantee. Final invoices must be received by City no later than 15 days after the end of the contract to be eligible for payment, unless an extension is given by the City.

3. Progress Reports

The Grantee shall submit regular progress reports to the City in the form, content, and frequency as required by the City.

D. PROCUREMENT:

1. Federal Standards

The Grantee shall procure all materials, property, or services in accordance with the requirements of *2 CFR Part 215.40*, Procurement Standards.

2. Compliance

The Grantee agrees to comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided therein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this contract.

E. OTHER PROGRAM REQUIREMENTS:

1. The Grantee shall carry out the activities under this contract in compliance with all Federal laws and regulations as described in *24 CFR 570 Subpart K*:

- (1) 570.600, General;
- (2) 570.601, Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063; 99;
- (3) 570.602, Section 109 of the Act;
- (4) 570.603, Labor Standards;
- (5) 570.604, Environmental Standards;
- (6) 570.605, National Flood Insurance Program;
- (7) 570.606, Displacement, Relocation, Acquisition, and Replacement of Housing;

- (8) 570.607, Employment and Contracting Opportunities;
- (9) 570.608, Lead-Based Paint;
- (10) 570.609, Use of Debarred, Suspended or Ineligible Contractors or Subrecipients;
- (11) 570.610, Uniform Administrative Requirements and Cost Principles;
- (12) 570.611, Conflict of Interest;
- (13) 570.612, Executive Order 12372; and
- (14) 570.613, Eligibility Restrictions for Certain Resident Aliens;
- (15) 570.614, Architectural Barriers Act and the Americans with Disabilities Act; and except that:
 - (i) The Grantee does not assume the City's environmental responsibilities described in 570.604; and
 - (ii) The Grantee does not assume the City's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

SECTION 4 – PERSONNEL & PARTICIPANT CONDITIONS

A. CIVIL RIGHTS :

1. Compliance

Grantee will comply with Federal requirements set forth in 24 CFR Part 5, subpart A which includes nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended, or ineligible contractors; and drug-free workplace.

2. Nondiscrimination

The Grantee will not discriminate against any employee or applicant for employment, because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Grantee will take affirmative action to insure that all employment practices are free from such discrimination.

B. AFFIRMATIVE ACTION:

1. W/MBE

The Grantee will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract.

2. Access to Records

The Grantee shall furnish and cause each of its own subrecipients or subcontractors, to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

3. EEO Statement

The Grantee will, in all solicitations or advertisements for employees and/or contractors placed by or on behalf of the Grantee, state that it is an Equal Opportunity Employer under the provisions of 24 CFR 570.607(a).

4. Subcontract Provisions

The Grantee will include the provisions of the above paragraphs regarding Civil Rights and Affirmative Action in every subcontract, so that such provisions will be binding upon each of its own subrecipients or subcontractors. City will monitor all subcontracts/agreements to verify that Grantee is in compliance.

C. EMPLOYMENT RESTRICTIONS:

1. Labor Standards

The Grantee agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act, and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract.

- a. This requirement applies for all contractors engaged under contracts in excess of \$2,000 and shall apply to residential properties only if such property contains no less than 8 units; for construction, renovation, or repair work financed in whole or in part with assistance provided under this contract. The Grantee shall maintain and obtain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request. The Grantee shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of the paragraph.

2. Section 3 Clause

The Grantee affirms that to the maximum extent possible it will employ local (Section 3) contractors on any projects using CDBG funds (under the provisions of 24 CFR 135).

- a. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution

of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- f. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and sub contracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to

the maximum extent feasible, but not in derogation of compliance with section 7(b).

D. CONDUCT:

1. Assignability

The Grantee shall not assign this contract or any of the payments that become due without the written consent of the City.

2. Subcontracts

The Grantee shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the City prior to the execution of such an agreement.

a. The City will monitor all subcontracted services to assure contract compliance.

b. The Grantee shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

c. The Grantee shall undertake procedures to ensure that all contracts and subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of contracts and subcontracts shall be forwarded to the City along with documentation concerning the selection process.

3. Conflict of Interest

Except for approved administrative and/or personnel costs, no person having responsibilities dealing with CDBG assisted activities may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement, either for themselves or their family, during their tenure or for one year thereafter. In its entirety:

24 CFR §570.611 Conflict of interest.

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.317 and 200.318, shall apply.

(2) In all cases not governed by 2 CFR 200.317 and 200.318, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to

businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

4. Religious Organization

The Grantee agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in *24 CFR 570.200(j)*. The Grantee hereby certifies that none of the beneficiaries of its activities or services are based upon any religious preference.

5. Political Activities and Lobbying

The Grantee agrees that under *24 CFR 507.207*, the following activities will not be assisted with CDBG funds:

- a. Buildings or portions thereof, used for the general conduct of government as defined at § 570.3(d);
- b. General government expenses; and
- c. Political activities.
- d. The Grantee certifies, to the best of his or her knowledge and belief, that:

- (i) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- (ii) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing, or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
- (iv) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to penalty as authorized by section 1352, Title 31, U.S. Code.

APPROVED BY: THE CITY OF GREAT FALLS:

Gregory T. Doyon, City Manager

DATE: _____

ATTEST:
(Seal of the City)

Lisa Kunz, City Clerk

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.

APPROVED BY: **Great Falls Housing Authority**

Greg Sukut, Executive Director



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Approval of a Community Development Block Grant Coronavirus (CDBG-CV) Funding Agreement with the YWCA Great Falls to provide one-on-one counseling to 75 low to moderate income individuals.

From: Finance Department

Initiated By: Finance Department

Presented By: Tom Hazen, Grant and Project Administrator

Action Requested: Approval of the CDBG-CV Funding Agreement in the amount of \$65,882.00 to the YWCA Great Falls.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the CDBG-CV Funding Agreement in the amount of \$65,882.00 to the YWCA Great Falls to provide one-on-one counseling to 75 low to moderate income individuals.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends approval of the requested CDBG-CV Funding Agreement for an amount of \$65,882.00 to the YWCA Great Falls to provide one-on-one counseling to 75 low to moderate income individuals.

Summary: The YWCA Great Falls Housing Authority has submitted a grant request to finance the provision of one-on-one counseling to 75 low to moderate income individuals in the Great Falls area. This is a continuation of a project previously funded through the CDBG-CV allocation. These counseling sessions will be tailored to deal with trauma caused or exacerbated by the COVID-19 pandemic. This counseling will address the increased levels of stress, anxiety and depression associated with the pandemic. State and National statistics have reflected significant increases in screenings and behavioral health treatments related to these factors since the end of the emergency. These sessions will be a continuation of a previous award that was approved by the Great Falls City Commission on July 19th, 2022.

Fiscal Impact: The cost of this project will be covered through CDBG funding.

Alternatives: If the Commission were to reject the proposed funding agreement, YWCA Great Falls would need to postpone the project until other funding sources were secured.

Concurrences: Staff from the Administration, Finance, and Human Resource Departments reviewed the application as City Grant Committee members. This project is in line with the priorities outlined in the City's Amended Action Plan, which contains the goal of Public Service Activities.

Attachments/Exhibits: 2023/2024 City of Great Falls – YWCA Great Falls CDBG-CV Funding Agreement

CITY OF GREAT FALLS
2022/2023 Community Development Block Grant Agreement
BY AND BETWEEN
THE CITY OF GREAT FALLS, MONTANA, AND
YWCA GREAT FALLS

YWCA Great Falls, hereinafter referred to as the Grantee, hereby enters into this Agreement with the Planning and Community Development Department of the City of Great Falls, a Municipal Corporation of the State of Montana, hereinafter referred to as the City on this 6th day of July, 2022.

SECTION 1 – PROJECT DESCRIPTION

The Grantee has approved of, and hereby agrees to, the following project description, program budget and tentative activity schedule:

- A. The Grantee has been awarded as a subrecipient of the City to receive United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds in the amount of **\$65,882.00**. The special allocation of CDBG, known as CDBG-CV, was authorized on March 27, 2020, when the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law. The PY20 CDBG-CV funds were awarded to the City of Great Falls by HUD on **July 23, 2020**.
- B. Personnel assigned to scope of work includes: **Sandi Filipowicz**
Contact Information: **sandif.ywca@gmail.com (406)452-1315**
- C. The project scope will **provide one-on-one counseling to 75 low to moderate income individuals that have been affected by Coronavirus, this is a public service responding to the Pandemic**. The project will be implemented during the time period of July 2022 to June 30, 2023.
- D. Grantee is responsible for any costs and for expenses incurred in excess of the grant amount. Non-profit agencies will not be funded for staff salaries, benefits, office consumables, and rent payments for agency office space or utility costs. All grant funds will need to be expended by the Grantee prior to **June 30, 2023**. Any remaining unspent funds will revert back to the City after that date.
- E. Requests for extension can be submitted by the Grantee and considered for approval by the City. Extension requests must be submitted by **May 31, 2023**. Refer to *24 CFR 570.503* regarding Scope of Work, Time of Performance, and budget documentation.

NATIONAL OBJECTIVE

The CDBG national objective most pertinent to the proposed project is **to benefit low and moderate income individuals by providing much needed counseling to those affected by the coronavirus which will assist in providing a suitable living environment**.

Determination of eligibility is fully described in 24 CFR 570.200 through 24 CFR 570.209.

The project will address the national objective by **providing one-on-one counseling to 100 low to moderate income individuals that have been affected by Coronavirus.**

SECTION 2 – GENERAL CONDITIONS

A. GENERAL COMPLIANCE:

The Grantee agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570. These are the HUD regulations concerning the CDBG program. The Grantee also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. Additionally all regulations under 2 CFR 200 apply and the Federal Register Notice FR-6218-N-01.

B. INDEMNIFICATION:

- a. The Grantee waives any and all claims and recourse against the City of Great Falls, including the right of contribution for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the Grantee's or any subrecipient's performance of this Contract.
- b. The Grantee shall indemnify and hold harmless the City of Great Falls and its agents and employees from and against all claims, damages, losses and expenses, penalties including attorney fees arising out of, or resulting from, the performance of the work, provided that any such claim, damage, loss, or expense which is:
 - i. attributable to bodily injury, sickness, disease or death or to damage or destruction of tangible property, other than the work itself, including the loss and use resulting therefrom;
 - ii. caused in whole or in part by any negligent act or omission of the contractor(s), and subcontractor(s), or anyone directly or indirectly employed by any one of them or anyone else, for whose acts any of them may be liable, regardless whether or not is caused in part or by party indemnified hereunder; and,
 - iii. caused in whole or in part by its failure to adhere to the terms of this contract.

C. SUSPENSION/TERMINATION/REIMBURSEMENT:

The Grantee agrees that suspension or termination of this project may occur if the Grantee materially fails to comply with any term of this Agreement, or any rules, regulations or provisions referred to herein, and that this grant may be terminated by the City for convenience. These conditions are fully described below in 2 CFR 200.338 and 2 CFR 200.339.

1. 2 CFR 200.338 Remedies for Noncompliance

- a. If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in § 200.207 Specific Conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:
 - i. Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
 - ii. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
 - iii. Wholly or partly suspend or terminate the Federal award.
 - iv. Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
 - v. Withhold further Federal awards for the project or program.
 - vi. Take other remedies that may be legally available.

2. 2 CFR 200.339 Termination

- a. The Federal award may be terminated in whole or in part as follows:
 - 1. By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
 - 2. By the Federal awarding agency or pass-through entity for cause;
 - 3. By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or
 - 4. By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such

termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety.

- b. When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).
 1. The information required under paragraph (b) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either –
 - i. Has exhausted its opportunities to object or challenge the decision, see § 200.341 Opportunities to object, hearings and appeals; or
 - ii. Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.
 2. If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:
 - i. Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;
 - ii. Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.
 3. Federal awarding agencies, shall not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the

releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

- c. When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in § 200.343 Closeout and § 200.344 Post-closeout adjustments and continuing responsibilities.

D. REVERSION OF ASSETS:

1. Upon final payment by the City, the Grantee agrees that any unspent funds shall no longer be obligated by the City to the Grantee.
2. The Grantee agrees to the following:
 - a. It will strive to deliver the kinds of services to the types of beneficiaries that will enable it to always meet at least one of the national objectives of the CDBG program referred to in *24 CFR 570.208*. This stipulation is in effect for five years from the date of issuance of the final payment by the City for this activity;
 - b. If at any time during these five years the Grantee is no longer conducting a program or programs that are CDBG eligible, the Grantee agrees to return all furnishings, equipment, or personal property that was paid for by CDBG funds, or reimburse the City in the amount that is equal to the value;
 - c. This agreement shall comply with the requirements specified in *24 CFR 570.503(b)(7)*; and
 - d. If any furnishings, equipment or personal property (under the above the criteria) are no longer in control or possession of the Grantee, said Grantee agrees to reimburse the City in the amount that is equal to the furnishing, equipment, or personal property value at the time of the purchase, and that the City may use any legal means necessary to obtain restitution for these items from the Grantee.

E. TERM OF THE AGREEMENT:

1. The term of this Agreement with the exception of Section 2-D above shall expire when the final payment is made or on June 30, 2022, whichever is later.
2. The term of the Agreement pertaining to Section 2-D shall expire only when the applicable criteria are met by the Grantee and accepted by the City.

F. PUBLICATIONS:

In all documents referencing the CDBG Project the Grantee agrees to insert the following language, to the fullest extent possible, and submit a copy to the City:
 “-funded by the City of Great Falls CDBG Program.”

SECTION 3 – ADMINISTRATION REQUIREMENTS

A. FINANCIAL MANAGEMENT:

1. The Grantee agrees to provide the City with the following documents (if applicable) before any funds are disbursed by the City:
 - a. This signed Community Development Block Grant Agreement;
 - b. Grantee’s Articles of Incorporation;
 - c. Grantee’s tax-exempt status certification;
 - d. Grantee’s by-laws or other such operational information;
 - e. Any other pertinent information which the City requests; and
 - f. Any Grantee lease agreements.
2. The Grantee shall comply with the current requirements and standards, in effect to the date of this agreement, of 2 *CFR, Part 200* and containing reference to 2 *CFR, Part 230, “Cost Principles for Non-Profit Organizations”* or 2 *CFR, Part 220, “Cost Principles for Educational Institutions,”* as applicable, and with the following Attachments to 2 *CFR, Part 215*:
 - (1) “Financial Reporting”;
 - (2) “Bonding and Insurance”;
 - (3) “Retention and Custodial Requirements for Records”;
 - (4) “Standards for Financial Management Systems”;
 - (5) “Monitoring and Reporting Program Performance”;
 - (6) “Property Management Standards”; and
 - (7) “Procurement Standards”.

B. DOCUMENTATION AND RECORD-KEEPING:

1. The Grantee agrees to maintain all records required by the Federal regulation specified in 24 *CFR Part 570.506*, which are pertinent to the activities to be funded under this Agreement. Such records shall include but are not limited to:
 - a. Records providing a full description of each activity undertaken;
 - b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
 - c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
 - d. Financial records as required by 24 *CFR Part 570.502*, and 2 *CFR Part 200*; and

- e. Other records necessary to document compliance with Subpart K of 24 CFR 570.
2. The Grantee shall retain all records pertinent to expenditures incurred under this contract for period of five (5) years after the termination of all activities funded under this Agreement.
3. The Grantee shall maintain grant beneficiary information, as requested by the City which will include client eligibility for services, and client ethnicity. The Grantee agrees to provide the City all non-duplicated information required. This report is due, upon request of funds or, if not applicable, on or before July 31, 2023, and will cover the period from **July 2022** through **June 30, 2023** unless otherwise specified by the City.
4. The Grantee understands that certain client information collected under this contract is private and use or disclosure of such information, when not directly connected with the administration of the City's or Grantee's responsibilities with respect to services provided under this contract, is prohibited. Client information that might be utilized for identity theft including Social Security numbers, bank account numbers, and other personal information shall be kept under lock and key by the Grantee.
5. The Grantee shall maintain real property inventory records which clearly identify properties purchased, improved, or sold. Properties retained shall continue to meet eligibility criteria and shall confirm with the "changes in use" restrictions specified in *24 CFR Parts 570.503 (b)(7)*, as applicable.
6. All Grantee records with respect to any matters covered by this Agreement shall be made available to the City or HUD, at any time during normal business hours, as often as the City or HUD deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Grantee within 30 days after the Audit Report. Failure of the Grantee to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments.
7. At the City's discretion, the City may monitor the Grantee on-site to review all Grantee records with respect to any matters covered by this Agreement. A fifteen (15) day notice of an on-site monitoring will be provided and in accordance with 24 CFR 570 Part 570.502(b)(vii). On-site monitoring of the Grantee will be conducted less frequently than quarterly and more frequently than annually.
8. Under the conditions of 24 CFR 570.508, public access to program records shall be provided to citizens with reasonable access to records regarding the past use of CDBG funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality, notwithstanding 2 CFR 200.337.

C. REPORTING AND PAYMENT PROCEDURES:

1. Program Income

The Grantee agrees that this CDBG activity, as proposed, generates no program income as defined in *24 CFR 570.500(a)* and therefore, the requirements of *24 CFR 570.504* are not applicable to this project. This paragraph does not nullify any of the requirements described in Section 2-D of this Agreement.

2. Payment Procedures

The City will pay to the Grantee/Contractor funds available under this contract based upon information submitted by the Grantee and consistent with any approved budget, and City policy concerning payments. Payments will be made for eligible expenses actually incurred by the Grantee, and not to exceed actual cash requirements. In addition, the City reserves the right to liquidate funds available under this contract for costs incurred by the City on behalf of the Grantee. Final invoices must be received by City no later than 15 days after the end of the contract to be eligible for payment, unless an extension is given by the City.

3. Progress Reports

The Grantee shall submit regular progress reports to the City in the form, content, and frequency as required by the City.

D. PROCUREMENT:

1. Federal Standards

The Grantee shall procure all materials, property, or services in accordance with the requirements of *2 CFR Part 215.40*, Procurement Standards.

2. Compliance

The Grantee agrees to comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided therein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this contract.

E. OTHER PROGRAM REQUIREMENTS:

1. The Grantee shall carry out the activities under this contract in compliance with all Federal laws and regulations as described in *24 CFR 570 Subpart K*:

- (1) 570.600, General;
- (2) 570.601, Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063; 99;
- (3) 570.602, Section 109 of the Act;

- (4) 570.603, Labor Standards;
- (5) 570.604, Environmental Standards;
- (6) 570.605, National Flood Insurance Program;
- (7) 570.606, Displacement, Relocation, Acquisition, and Replacement of Housing;
- (8) 570.607, Employment and Contracting Opportunities;
- (9) 570.608, Lead-Based Paint;
- (10) 570.609, Use of Debarred, Suspended or Ineligible Contractors or Subrecipients;
- (11) 570.610, Uniform Administrative Requirements and Cost Principles;
- (12) 570.611, Conflict of Interest;
- (13) 570.612, Executive Order 12372; and
- (14) 570.613, Eligibility Restrictions for Certain Resident Aliens;
- (15) 570.614, Architectural Barriers Act and the Americans with Disabilities Act; and except that:
 - (i) The Grantee does not assume the City's environmental responsibilities described in 570.604; and
 - (ii) The Grantee does not assume the City's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

SECTION 4 – PERSONNEL & PARTICIPANT CONDITIONS

A. CIVIL RIGHTS :

1. Compliance

Grantee will comply with Federal requirements set forth in 24 CFR Part 5, subpart A which includes nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended, or ineligible contractors; and drug-free workplace.

2. Nondiscrimination

The Grantee will not discriminate against any employee or applicant for employment, because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Grantee will take affirmative action to insure that all employment practices are free from such discrimination.

B. AFFIRMATIVE ACTION:

1. W/MBE

The Grantee will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract.

2. Access to Records

The Grantee shall furnish and cause each of its own subrecipients or subcontractors, to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

3. EEO Statement

The Grantee will, in all solicitations or advertisements for employees and/or contractors placed by or on behalf of the Grantee, state that it is an Equal Opportunity Employer under the provisions of 24 CFR 570.607(a).

4. Subcontract Provisions

The Grantee will include the provisions of the above paragraphs regarding Civil Rights and Affirmative Action in every subcontract, so that such provisions will be binding upon each of its own subrecipients or subcontractors. City will monitor all subcontracts/agreements to verify that Grantee is in compliance.

C. EMPLOYMENT RESTRICTIONS:

1. Labor Standards

The Grantee agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland “Anti-Kickback” Act, and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract.

- a. This requirement applies for all contractors engaged under contracts in excess of \$2,000 and shall apply to residential properties only if such property contains no less than 8 units; for construction, renovation, or repair work financed in whole or in part with assistance provided under this contract. The Grantee shall maintain and obtain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request. The Grantee shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of the paragraph.

2. Section 3 Clause

The Grantee affirms that to the maximum extent possible it will employ local (Section 3) contractors on any projects using CDBG funds (under the provisions of 24 CFR 135).

All Section 3 covered contracts shall include the following terms (referred to as the Section 3 clause):

- a. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3, is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees, and applicants for training and employment positions, can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- e. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- f. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and

Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that, to the greatest extent feasible, (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

D. CONDUCT:

1. Assignability

The Grantee shall not assign this contract or any of the payments that become due without the written consent of the City.

2. Subcontracts

The Grantee shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the City prior to the execution of such an agreement.

- a. The City will monitor all subcontracted services to assure contract compliance.
- b. The Grantee shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.
- c. The Grantee shall undertake procedures to ensure that all contracts and subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of contracts and subcontracts shall be forwarded to the City along with documentation concerning the selection process.

3. Conflict of Interest

Except for approved administrative and/or personnel costs, no person having responsibilities dealing with CDBG assisted activities may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement, either for themselves or their family, during their tenure or for one year thereafter. In its entirety:

24 CFR §570.611 Conflict of interest.

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.317 and 200.318, shall apply.

(2) In all cases not governed by 2 CFR 200.317 and 200.318, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

4. Religious Organization

The Grantee agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in *24 CFR 570.200(j)*. The Grantee hereby certifies that none of the beneficiaries of its activities or services are based upon any religious preference.

5. Political Activities and Lobbying

The Grantee agrees that under *24 CFR 507.207*, the following activities will not be assisted with CDBG funds:

- a. Buildings or portions thereof, used for the general conduct of government as defined at § 570.3(d);
- b. General government expenses; and
- c. Political activities.
- d. The Grantee certifies, to the best of his or her knowledge and belief, that:
 - (i) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
 - (ii) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing, or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
 - (iii) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
 - (iv) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to penalty as authorized by section 1352, Title 31, U.S. Code.

APPROVED BY: THE CITY OF GREAT FALLS:

Gregory T. Doyon, City Manager

DATE: _____

ATTEST:
(Seal of the City)

Lisa Kunz, City Clerk

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.

APPROVED BY: YWCA Great Falls

Sandi Filipowicz, Exectutive Director



Commission Meeting Date: April 2, 2024

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Adopt Resolution 10544 establishing a Public Safety Advisory Committee

From: City Commission

Initiated By: City Commission

Presented By: City Commission

Action Requested: Adopt Resolution 10544

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10544 establishing a Public Safety Advisory Committee.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Summary: At the March 19, 2024 City Commission work session, the concept of developing a committee to assist the Commission with determining next steps to address public safety needs was discussed. A proposal to create an advisory body was discussed and there was general consensus to create the committee.

Background: After failure of the 2023 Public Safety Levy and Bond ballot question, the Commission has been exploring ways to address public safety needs. The Commission recognized that when voters soundly rejected the levy and bond proposal, they needed citizen input to assess future action. The Commission requested that the Committee’s work be completed by September 2, 2024.

Significant Impacts

Citizen Participation – Meetings of the Committee will be noticed and open to the public.

Workload Impacts – It is expected that the City Manager’s Office, City Clerk’s Office, Great Falls Fire Rescue, Municipal Court, City Attorney’s Office, and Great Falls Police Department will be extensively involved with the committee in an advisory capacity.

Purpose – To provide recommendations to the City Commission. The primary areas of focus of the City Commission includes the following:

1. Determine broad priorities for public safety;
2. Determine priorities for Police, Fire, Court and Legal;
3. Recommend strategies for funding public safety priorities;
4. If so considered, consider timing of a future levy
5. Strategies to engage a broad spectrum of community members and businesses

Fiscal Impact: Includes staff time, administrative support and office supplies.

Attachments: Resolution 10544

RESOLUTION NO. 10544

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING A PUBLIC SAFETY ADVISORY COMMITTEE

WHEREAS, the protection of life and property is amongst the highest priorities of the City of Great Falls; and

WHEREAS, due to mounting community concerns about the City's increasing crime rates, and that first responders are increasingly called upon for requests such as homelessness, mental health, and domestic disputes which often require connection to ongoing services, the Great Falls City Commission established the Great Falls Crime Task Force in 2021 for the primary purpose to study, review, evaluate, and make recommendations to the City Commission, City Manager, and general public on strategies to address crime. The Crime Task Force provided numerous recommendations that were further summarized into action items; and

WHEREAS, upon further discussions with the City Commission, there was general recognition that the City's broader public safety response posture was inadequate, and is unable to service current and future needs of a growing community. The General Fund, capped by a statewide property tax cap, is unable to sufficiently meet the service level desired by the taxpayers and fund the broad continuum of public safety needs across fire, police, court and legal departments; and

WHEREAS, based on the foregoing and that the last successful voter approved safety request was in the late 1960's, the City Commission adopted Resolutions in 2023 that submitted to the electors the questions of permanently increasing the mill levies of the City to pay costs of public safety services and issuing general obligation bonds for the purpose of paying costs of public safety improvements; and

WHEREAS, due to both those ballot measures being turned down by the voters at the November 7, 2023 election, the Great Falls City Commission seeks to establish a Public Safety Advisory Committee to make recommendations on public safety funding and/or service reduction in Great Falls.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AS FOLLOWS:

SECTION 1: There is hereby established the Great Falls Public Safety Advisory Committee (hereinafter referred to as "PSAC"). The efforts of the PSAC shall be focused on the following areas:

- Recommend broad priorities for public safety;
- Recommend priorities for Police, Fire, Court and Legal Departments;

- Recommend strategies for funding public safety priorities;
- Recommend Strategies to engage a broad spectrum of community members and businesses

SECTION 2: MEMBERSHIP: Sandra Guynn, Mike Parcel, Wendy McKamey, Jeni Dodd, George Nikolakakos, Aaron Weissman, Tony Rosales, Thad Reiste, Joe McKenney, and Shannon Wilson.

SECTION 3: MEETINGS AND RULES: Pursuant to Montana’s open meeting laws, all meetings of the PSAC shall be properly noticed at least 48 hours in advance of a meeting, include an agenda of topics/items to be discussed, allow for public comment on agenda items and for public comment on items not on the agenda but within the jurisdiction of the PSAC. Appropriate Minutes of all meetings shall be kept and be made available for inspection by the public.

SECTION 4: The PSAC members shall select a Chairperson and a Vice-Chairperson. The City Manager shall appoint a staff member to keep all records of the PSAC and take minutes of all meetings, and submit them to the City Clerk. A majority of the membership shall constitute a quorum. The PSAC shall meet as often as necessary to accomplish its general purpose, as described in Section 1, but not less than once a month.

SECTION 5: Members of the PSAC shall comply with the Code of Ethics set forth in Mont. Code Ann. § Title 2, Chapter 2, and the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21.

SECTION 6: The PSAC shall meet with the goals of having recommendations to present to the City Commission no later than September 2, 2024. The PSAC shall be disbanded and cease to exist after receipt of the recommendations by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of April, 2024.

Cory Reeves, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney