

# JOURNAL OF COMMISSION PROCEEDINGS

April 2, 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; Public Works Director Chris Gaub and Development Review Coordinator Mark Juras; Planning and Community Development Director Brock Cherry, Deputy Director Lonnie Hill and Senior Transportation Planner Andrew Finch; Finance Director Melissa Kinzler and Grant Manager Tom Hazen; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Captain Doug Otto; 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:** Commissioner McKenney referred to agenda item 16 and disclosed that he is a realtor. He is not involved in the rezone or project of item 16, has no personal gain, and intends to participate.

1. **PROCLAMATIONS**

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 (MANG).**

None.

3. **PETITIONS AND COMMUNICATIONS**

**Ben Forsyth**, City resident, provided handouts of Mont. Code Ann. §§ 16-12-101 and 16-12-301 (2021) and suggested those statutes are the mechanisms for the City Commission in controlling the health, safety and welfare harms created by marijuana. Mr. Forsyth suggested the Commission have a work session on this topic and he will provide laws from his attorneys that meet the requirements of a majority of the voters put forth in I-190 on November 3, 2020.

**Richard Irving**, City resident, commented that insurance costs are going to go up if public safety does not go up. The Library insisted on a levy ahead of the public safety levy. Experience suggests that after a levy passes it gets harder for people to vote for another one. Taxes have gone up more

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than what was communicated about the Library levy. Mr. Irving suggested that the Commission do whatever it could to get a handle on the Library before it sinks the next public safety levy and reelection of any of the Commission members.

## NEIGHBORHOOD COUNCILS

### 4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## BOARDS AND COMMISSIONS

### 5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## CITY MANAGER

### 6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that:

- The City has maintained its Aa3 prime investment grade rating from Moody's Investor Services.
- Public Works street department staffing is down to about 60%. This will have implications across the departments and residents that are served. It has been difficult to recruit and retain certain positions within the City. If the street department is not able to get properly staffed, work will be redirected from their mill and overlay activities this summer to focus on other priorities, and will affect the ability to be responsive to pot hole complaints.

Manager Doyon provided an update on ARPA projects:

- Starting May 8, 2024, the Commission Chambers will be undergoing new HVAC construction, repair and restoration that is expected to take six to eight weeks. During that time Commission meetings will be held in the Gibson Room. Once completed, HVAC work will begin in the Missouri Room.
- Demolition for the Court project will start in late June and run through approximately March 2025.
- The boiler system demo project will begin at the end of April 2024. New boilers will be installed in May and should be running by September or October.
- A transformer was recently moved outside of the Civic Center building. That electrical service work will be done in May through August. There may be some building disruptions during that work.

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- Excavation on the Police Department Evidence Building project will start in August. Steel framing will begin in the spring with an expected construction completion date in September or October 2025.

## CONSENT AGENDA.

7. Minutes, March 19, 2024, City Commission Meeting.
8. Total Expenditures of \$2,591,235 for the period of March 7-20, 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. **OF 1789.0**
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. **OF 1807.0**
12. Reject the single bid received for a Construction Contract for 32<sup>nd</sup> Street South ADA Upgrades, Phase I, and direct staff to modify project size and re-advertise for bids. **OF 1788.1**
13. Set Public Hearing on Resolution 10538, Establishing Residential and Commercial Sanitation Services Collection Rates Effective June 1, 2024.
14. Set Public Hearing on Resolution 10537, Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective June 1, 2024.

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

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 received clarification that the payment to Broadway Menopause in agenda item 8 was for a payout for that production. The City collects the revenue and any balance goes to that production company.

Commissioner Wilson expressed concern about only one bid being received for agenda item 10.

Public Works Director Chris Gaub responded this is typical as there are only a couple of companies in Great Falls that perform this work. The bid is in line with the engineer staff estimates.

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

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Motion carried 5-0.

**PUBLIC HEARINGS**

15. **ORDINANCE 3265 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.**

**RESOLUTION 10539 ADOPTING THE STORM DRAINAGE DESIGN MANUAL.**

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

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 would also clarify the applicability criteria for when stormwater drainage facilities are required for development, bringing the Code up to current City practices under the Municipal Separate Storm Sewer Systems (MS4) permit.

The requested action is that the Commission adopt Ordinance 3265 that would update the City Code references from the 1990 Storm Drain Design Manual to the “most recent edition” of the manual, and adopt Resolution 10539 that formally adopts the updated manual.

Mayor Reeves asked if the Commissioners had any questions of staff. Hearing none, Mayor Reeves asked if there were any comments from the public in support of or in opposition to Ordinance 3265 and Resolution 10539.

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 Tryon, that the City Commission adopt Ordinance 3265.**

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

Commissioner McKenney referred to the first sentence of Section 1.5 of the Storm Drainage Design Manual and received clarification that staff could make administrative changes that were more efficient solutions without coming to the Commission for approval.

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

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Motion carried 5-0.

**Commissioner McKenney moved, seconded by Commissioner Wilson, that the City Commission adopt Resolution 10539 adopting the City of Great Falls Storm Drainage Design Manual.**

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

Commissioner Wilson noted she enjoyed reading the manual.


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

Motion carried 5-0.

**16. ORDINANCE 3264 TO REZONE THE PROPERTY ADDRESSED AS 805 2<sup>ND</sup> STREET SW, FROM R-1 SINGLE-FAMILY SUBURBAN TO M-2 MIXED-USE TRANSITIONAL (BAY VIEW APARTMENTS).**

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

Planning and Community Development Director Brock Cherry, Planning and Community Development Deputy Director Lonnie Hill, Senior Transportation Planner Andrew Finch, and Public Works Development Review Coordinator Mark Juras reviewed and discussed the following PowerPoint slides:



**Item #16**

Public Hearing - 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.



**At Minimum - Basis of Decision Zoning Map Amendment**

1. The amendment is consistent with and furthers the intent of the City's growth policy;
2. The amendment is consistent with and furthers adopted neighborhood plans, if any;
3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan, and sub-area plans.
4. The code with the amendment is internally consistent;
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
6. The City has or will have the financial and staffing capability to administer and enforce the amendment

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**Proposed Project Background**

- Applicant: Craig and Robert Stainsby
- Location: 805 2<sup>nd</sup> St SW
- Property Size: 4.46 acres
- Request: To rezone from R-1 to M-2
- Development: 92 total units of multi-family

Phase 1: 36-unit apartment building  
 Phase 2: 42-unit apartment building  
14 townhome units  
 92 total units



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## Access & Parking Proposal

Two (2) accesses off of Bay Drive  
One (1) access off of 2<sup>nd</sup> St SW  
Parking: Ph 1 = 69 spaces, Ph 2 = 50 spaces  
119 total spaces (117 required)  
\*Note that the proposed parking meets the City Code requirement of 1.5 spaces per Apartment.



## Preliminary Site Plan



## Bay Drive Parkland Access

- Propose to use existing access through parkland onto Bay Drive.
- Will enter into an agreement with COGF to build and maintain this access before a building permit is issued.



## Floodplain Analysis

- Part of property within 100 yr floodplain (blue)
- Phase 1 (36-plex) is outside of floodplain
- Phase 2 (42-plex and townhomes) will require 310 permit and CLOMR-F from FEMA to place fill within 100 yr floodplain
- Any proposed work upon the bank or within the floodway may require review by Cascade Conservation District, Montana Fish Wildlife and Parks, and Army Corps Engineers.



## Floodplain Analysis



## Growth Policy Analysis

- Staff confirms that the proposed zoning map amendment to allow higher-density development on an infill parcel is supported by the City's Growth Policy. This is needed to provide additional housing, and the amendment must be consistent with multiple plan policies.
- Note the Growth Policy has a planning horizon until **2025**.
- **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.



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## Growth Policy Analysis (Cont.)

### 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.

## Area Water, Sewer, Storm Capacity



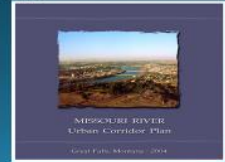
## Area Water, Sewer, Storm Capacity

- Sewer System Demand
- 184 tenants \* 100 gallons per capita day (DEQ 4)
- Peaking Factor 4.16
- 76,544 gallons per day or 52 gallons per minute
- Existing 12" sanitary sewer main has capacity of 1,315 gpm
- Therefore, this development will not have a significant impact on the sewer system in the area.



## Missouri River Urban Corridor Plan Analysis

- Subject Property is located within "Primary Impact Area" of the plan
- Primary impact area includes "lands with strong relationships to the river that are most central to the Corridor Plan"
- The plan identifies appropriate riverfront uses and specifically lists:  
**2-4 story rental apartments & townhouses.**



## Area Water, Sewer, Storm Capacity

- Water System Demand
- 184 tenants \* 100 gallons per capita day + irrigation
- 31,223 gallons per day or 22 gallons per minute
- Peak hour demand of 120.34 gpm is added to the system, the resultant pressure drop of 0.24 psi
- Therefore, this development will not have a significant impact on the water pressure in the area.
- Sewer System Demand

## Area Water, Sewer, Storm Capacity

- Storm System Demand
- Per design manual, detain runoff, treat, and limit discharge to a lesser rate into the city's existing 36" main
- Prevents direct runoff into the Missouri River





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**Traffic Review**

- Code requires Traffic Impact Analysis when estimated peak-hour trips generated by proposed development exceeds 300 peak-hour trips.
- City has the option to require one if the estimated peak-hour trips exceed 200 peak-hour trips.
- Proposed development is estimated to generate 43 peak-hour trips.
- Staff has performed an analysis based on public interest in the proposed use.

**Traffic Review**

**Trip Generation:** Average trips can be estimated using trip-generation rates from actual studies. New trips are estimated, and trips from the previous use are subtracted.

- 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.
- 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.
- 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. These trips are subtracted to assess the development's impact.

• The total estimated increase in daily trips generated by the development is **527 average daily weekday trips**.

**Traffic Review (Cont.)**

**Trip Distribution:** New trips are distributed by the favorability of each potential route, including likely destinations, design limitations (width, travel speeds, traffic control, lighting, etc.), directness, congestion, etc.

**Traffic Review (Cont.)**

**Existing and Projected Future Traffic:** Growth in traffic is used to analyze impact upon the existing street network.

STREET SEGMENT	DAILY VOLUME (DATE)	PROJECTED DAILY GROWTH	PROJECTED DAILY VOLUME	2025 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 2nd St. SW)	810 (2022)	211	1,021	n/a	14	n/a
10th Ave SW (between 4th & 6th Sts SW)	399 (2023)	132	531	52	9	61
2nd St SW (south of Huffman Ave)	333 (2023)	132	465	39	9	48

**Traffic Review (Cont.)**

**Trip Generation, Distributed**

**Traffic Review (Cont.)**

**Bike/Pedestrian Review**

- Development would construct trail connection to River's Edge Trail in Garden Home Park.
- Bike route along 10<sup>th</sup> Avenue SW/2<sup>nd</sup> Street SW would see additional traffic. However traffic growth is projected to be relatively low and is not anticipated to adversely affect bicyclist safety (growth of 9 vehicles during peak hour, or around 1 additional vehicle per 6 1/2 minutes).
- Current pedestrian use of 10<sup>th</sup> Avenue SW/2<sup>nd</sup> St SW is mainly off paved travel surface – any growth in pedestrian use would be expected to use same off-street path-of-travel.

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**Traffic Review (Cont.)**

Street Design

- Huffman Avenue/Bay Drive are built to typical local street standards. Pavement width is approx. 36', allowing for safe usage with room for parking and two travel lanes.
- 2<sup>nd</sup> Street/10<sup>th</sup> Ave SW has room for two-way traffic on the paved surface. Unpaved "boulevard" areas are used for parking or are landscaped.

**Traffic Review (Cont.)**

Conclusions/Recommendations

- Traffic will increase along area routes; however, current and projected daily volumes are in line with volumes on a typical local roadway, and current and projected peak hour volumes do not indicate congestion is likely to occur.
- Roadway designs are appropriate to safely carry projected volumes.
- Construction of a shared use path between the proposed development and Garden Home Park trail will provide a safe, off-street connection.
- No street modifications or improvements are expected to be necessary to accommodate the traffic generated by the proposed development.

**Voluntary Development Agreement**

- Developers expressed willingness to include voluntary commitments beyond M-2 zoning district
- Listed within *Draft Voluntary Development Agreement* provided in packet

Voluntary agreement commits to:

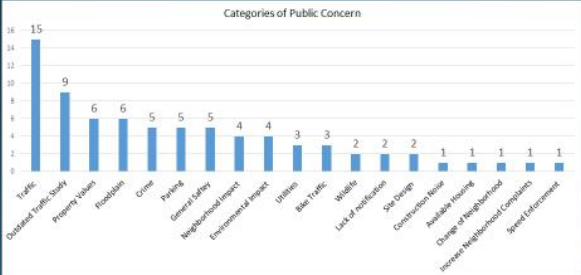
- 92 total dwelling units
- Increased setbacks
- Eliminated by-right land uses
- Screening between residential uses
- Off-site trail connection
- Be recorded and run with the land

**Neighborhood Council #2**

- Applicant presented at the Nov 8 meeting.
- Members in attendance made comments that not enough of the neighborhood was aware of the proposal or the meeting.
- A second meeting was held on Dec 6.
- Residents expressed various concerns, including traffic and safety.
- NC #2 did not take action on Dec 6, but at its Feb 13 meeting, it was voted unanimously to recommend denial of the request.

**Public Comment - Opponents**

- Provided in packet as *Attachment H: Public Comment*
- Staff received 25 comments in opposition
- Concerns are summarized into the categories below:



Category	Count
Traffic	15
Outdoor Traffic/Safety	9
Property Values	6
Floodplain	6
Crime	5
Parking	5
General Safety	5
Neighborhood Impact	4
Environmental Impact	4
Utilities	3
Bus Traffic	3
Wildlife	2
Lack of notification	2
Site Design	2
Construction Issue	1
Available Housing	1
Change of Neighborhood	1
Increased Neighborhood Complaints	1
Street Enforcement	1

**Formal Protest**

- Residents within 150 feet of the subject property have filed a formal protest of the request.
- Documentation is provided as *Attachment J - Public Comment - Formal Protest*.
- Per OCCGF 17.16.40.040 and MCA 76-2-305 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.

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## Public Comment - Proponents

- 11 letters were received in favor of the proposed request.
- On behalf of businesses, groups, and other organizations regarding:
  - The need for housing to attract workforce.
  - The need for housing to support Military Service Members.
  - The proposal will improve the neighborhood's aesthetics and values.
  - The proposal will improve the utilization of the riverfront.
  - The need for any housing in general.



## Findings of Fact Zoning Map Amendment (Cont.)

### 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.



## Findings of Fact Zoning Map Amendment (Cont.)

**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 plan
- Request and the proposed development meet multiple goals of the Missouri River Urban Corridor Plan. Staff finds consistency between request and the plan



## Findings of Fact Zoning Map Amendment

**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.
- 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.



## Findings of Fact Zoning Map Amendment (Cont.)

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

- The subject property is located in Neighborhood Council #2
- Because there is no adopted neighborhood plan adopted for the general area, the amendment does not conflict with Criterion #2



## Findings of Fact Zoning Map Amendment (Cont.)


**4. The code with the amendment is internally consistent**

The subject property is located within the “Primary Impact Area” of The Missouri River Urban Corridor Plan shown on page 15 of plan

- Rezone will not be in conflict with any portion of the existing City Code and will be internally consistent
- Developers expressed willingness to include voluntary commitments beyond M-2 zoning district

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### Findings of Fact Zoning Map Amendment (Cont.)

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


- 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



### Findings of Fact Zoning Map Amendment (Cont.)


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

- Residents to the south have expressed concern 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.



### Conditions of Approval


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.



### Findings of Fact Zoning Map Amendment (Cont.)


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

- Proposal will trigger 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.



### 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.



### Suggested Motion

"I move that the City Commission (approve/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."

Spencer Woith, Woith Engineering, representing the Applicant, first clarified that the project proposes 78 units that are intended to be quality, market rate units. The units are not subsidized housing. The remaining units are proposed to be high end "for sale" housing units, not rental units, and provide for home ownership opportunities. Mr. Woith reviewed and discussed the following PowerPoint slides:

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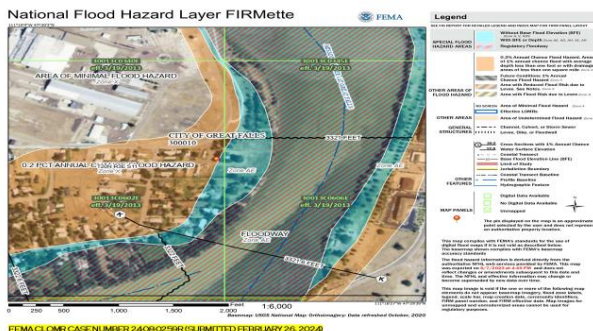
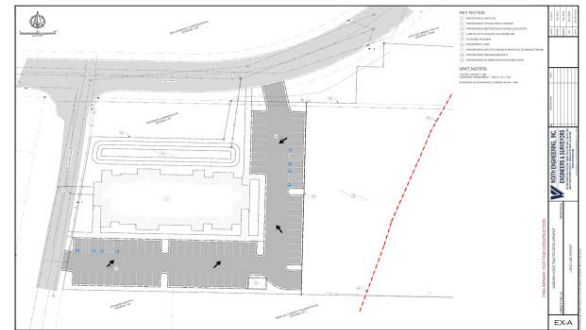
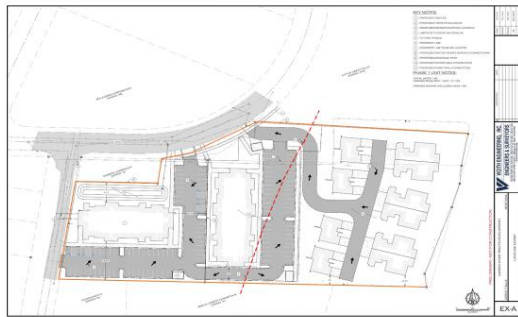
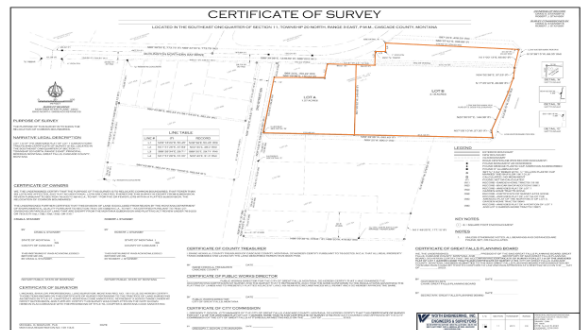


### BAY VIEW APARTMENTS

92 UNIT DEVELOPMENT IN GREAT FALLS MT



**REZONE REQUEST**  
 CURRENT: SINGLE FAMILY SUBURBAN (R-1)  
 PROPOSED: MIXED-USE TRANSITIONAL (M-2)



### 3. LAND USE RESTRICTIONS

- EMERGENCY SHELTER
- FAMILY DAY CARE HOME
- GROUP DAY CARE HOME
- NURSING HOME
- RESTAURANT
- GENERAL SALES
- ADMINISTRATIVE SERVICES
- FINANCIAL SERVICES
- FUNERAL HOME
- GENERAL SERVICES
- PROFESSIONAL SERVICES
- SMALL VETERINARY CLINIC
- VEHICLE SERVICES
- PARK
- RECREATIONAL TRAIL
- ADMINISTRATIVE GOV. OFFICES
- CIVIC USE FACILITY
- COMMUNITY CENTER
- COMMUNITY CULTURAL FACILITY
- COMMUNITY GARDEN
- PUBLIC SAFETY FACILITY
- WORSHIP FACILITY
- GENERAL SERVICES
- HEALTH CARE CLINIC
- HEALTH CARE SALES AND SERVICES
- COMMERCIAL EDUCATION FACILITY
- EDUCATIONAL FACILITY (K-12)
- EDUCATIONAL FACILITY (HIGHER ED.)
- INSTRUCTIONAL FACILITY
- TELECOMMUNICATION FACILITY
- PARKING LOT (PRINCIPAL USE)
- PARKING STRUCTURE
- TAXI CAB DISPATCH TERMINAL
- CONTRACTOR YARD (TYPE I)
- ARTISAN SHOP
- LIGHT MANUFACTURING AND ASSEMBLY

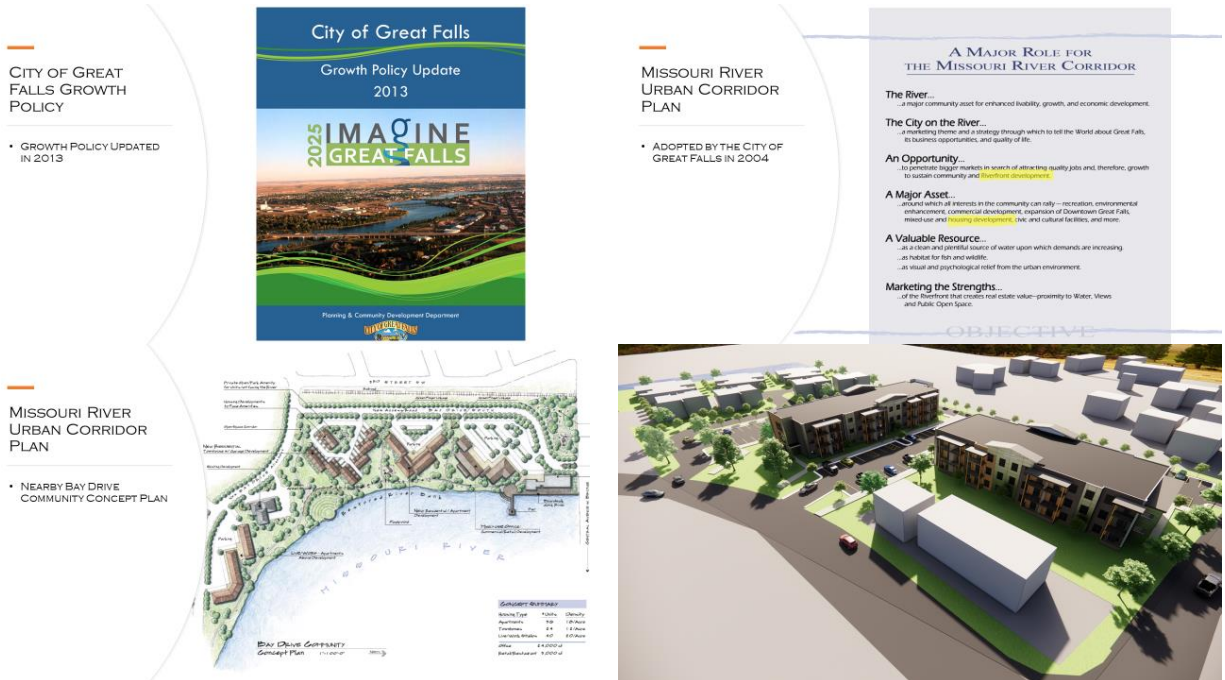
\*BASED ON M-2 PERMITTED USES. CONDITIONAL USES STILL REQUIRE A PUBLIC HEARING PROCESS.

### DEVELOPMENT AGREEMENT TOPICS

- RESTRICT UNIT DENSITY**
  - M-2 ALLOWED
    - 500 SQUARE FEET PER UNIT = 188 UNITS
  - RESTRICTING
    - 2,111 SQUARE FEET PER UNIT = 92 UNITS
- SETBACK INCREASES**
  - M-2 ALLOWED
    - FRONT YARD = 0 FEET
    - REAR YARD = 10 FEET
    - SIDE YARD = 5 FEET (ADJACENT TO RESIDENTIAL)
  - INCREASES
    - FRONT YARD = 5 FEET
    - REAR YARD = 30 FEET
    - SIDE YARD = 10 FEET (ADJACENT TO RESIDENTIAL)
- FENCING AND SCREENING**
  - A 6 FOOT PRIVACY FENCE TO BE INSTALLED AROUND THE PROPERTY WITH LANDSCAPING THAT ABUTS TO THE NEIGHBORING RESIDENTIAL.
- OFF-SITE TRAIL CONNECTION**
  - A 10 FOOT WIDE SIDEWALK/TRAIL CONNECTION TO GARDEN HOME PARK

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Mr. Woith reported that the project site previously contained a trailer park and the intent is to rezone the property. This project is adjacent to existing M-2 zoning. The zoning is referred to in the City Growth Policy as transitional zoning from industrial and warehouse uses. M-2 zoning provides a right of a variety of uses that the developer feels are incompatible with the surrounding uses and has voluntarily offered to enter into a Development Agreement restricting those uses.

The overall project contains two lots consisting of a total of 4.46 acres. Lot A is entirely out of the floodplain. The future phase of a 42-unit multi-family building and the 14-townhome units currently reside in the floodplain. The proposed 36-plex with the improvements shown sits well outside of the current designated floodplain.

The proposed site plan shows setbacks that are exceeding those of the M-2 zoning designation, as will be agreed to in the Development Agreement. Furthermore, the setbacks represented in this proposed site plan and the Development Agreement exceed those of the R-1 zoning that is adjacent to the project. It is the intent to maintain setbacks from the multi-family buildings from the property lines to the greatest extent possible.

Portions depicted in blue in the slides are in the potential flood zone. The development of this section of the project is contingent on obtaining FEMA approval to remove that area of land from the floodplain, and no development can occur until this has been accomplished. The applicant has hired a certified floodplain manager and is working with FEMA to determine what portions can have that designation removed. The application was submitted and accepted by FEMA on February 26, 2024 and is currently in review.

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Zoning designations do their best to capture land uses, and it is impossible to always capture all of those land uses. Certain allowable land uses do not always fit in certain areas. The development team recognizes that there are certain land uses and issues that are not compatible to the existing area. They are proposing a voluntary, legally binding document that will restrict the uses and design standards as shown on slides and set forth in the meeting packet:

- Restricting the total number of units that can be constructed on the parcel. M-2 zoning, by right, would allow 388 units to be constructed. This agreement will restrict that total count to 92.
- Further restricting the setbacks that are allowed in M-2 zoning.
- A list of land uses will be restricted to be built on the parcel.
- The developer will provide a six-foot privacy fence with a landscape buffer to the neighboring residential properties.
- A connecting sidewalk will be constructed from the development to the north to encourage pedestrian and bicycle traffic northerly away from the existing neighborhood and provide a safe connection to the existing River's Edge Trail.

When an area is selected to look at for redevelopment, it is not an arbitrary decision. A lot of thought and research goes into the project prior to this point. There are guiding land use documents that they follow, which is essentially the roadmap to what development is intended to look like in certain areas.

The Growth Policy and the Missouri River Urban Corridor Plan have gone through a public participation process and were ultimately approved by the City Commission as the guiding documents for what land use looks like in certain areas. This project fits within those guiding documents. The Commission has heard from the City Attorney, an independent planner and his attorney on the fact that this project is not spot zoning. Their attorney, Mr. McCormick, referenced a case where he was the attorney representing Flathead County in a case of spot zoning, and he believes that the City of Great Falls is not doing any spot zoning. This four-acre parcel along the banks of the Missouri River is right in the heart of Great Falls and follows the documents that were provided for planning.

Some of the submitted information contain questions about crime that the Police Department and studies have shown is not an issue. There have been studies that show that new multifamily development will have little to no effect on the surrounding housing stock. City staff has stated that the increased traffic will have minimum effects on the roads. It is in close proximity to downtown, adjacent to the River's Edge Trail and a City park. It already has all the utilities provided. Staff has stated that the capacity is there to serve the development. It does not stretch any response time for emergency services. It provides different housing options for the residents and Great Falls, and no subsidies are being requested from the City.

Mayor Reeves asked if the Commissioners had any questions of staff or the applicant's representative.

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Commissioner Wilson received clarification that the Missouri River Urban Corridor Plan is dated 2004. She inquired when that Plan would be up for renewal.

Director Cherry responded that certain types of plans, unlike the Growth Policy, do not have specific renewal dates. Staff would be interested in including a potential update to the Missouri River Urban Corridor Plan as part of the Growth Policy process or as otherwise directed by the City Commission.

Commissioner Wilson noted that the Growth Policy is old even though it is in effect until 2025. She encouraged citizens to get involved with the updated Growth Policy project to plan on what will be going on in the community.

Commissioner Wilson referenced a letter from Charity Yonker, Cascade County Planning Director/Floodplain Administrator, expressing concerns that FEMA could deny a final LOMR request, the rezoned property being open to a variety of uses beyond multi-family housing, the risk of this proposal not coming to fruition, and whether the Voluntary Development Agreement would actually be upheld under the law or deemed unenforceable.

City Attorney David Dennis responded that he does not understand Ms. Yonker's basis for concluding that the agreement would not be enforceable.

Commissioner Wilson commented that the Ordinance does not mention the Voluntary Development Agreement.

Commissioner Wilson inquired if it has been taken into consideration that approval of the Ordinance and project would displace those people with lower incomes living in the trailers with more expensive apartments they may not be able to afford.

Director Cherry responded that question would be better directed to the applicant/owners of the property.

Commissioner Wilson received clarification that a FEMA permit needs to be applied for and approved before fill material is brought onto the site. She inquired about the fill material currently on the site.

Planning and Community Development Deputy Director Lonnie Hill explained that he was notified by residents of the area of fill taking place upon the site that initiated a site response from him. He visited the site and asked the applicant and Woith Engineering Company to survey where the delineation is between the special flood hazard area and the area that is outside of the flood hazard area. The current stockpiles of material are located outside of the special flood hazard area.

Commissioner Wilson received clarification that no other testing has been done at the site other than the level one environmental assessment.



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Commissioner Wilson expressed concerns about the traffic increase on 10<sup>th</sup> Avenue SW making it difficult for bicyclists, and parking overflow affecting immediate neighbors in the area.

Commissioner Tryon received clarification that the mobile home park, when it existed, was a non-conforming use meaning it was in place prior to regulations requiring a conditional use or other permissible.

Commissioner Tryon received clarification that if the Commission were to deny the request the Commission would be required to present findings of fact geared toward its basis of decision as set forth in OCCGF 17.16.40.030.

Commissioner Tryon inquired the term of the Voluntary Development Agreement and how it would be monitored.

Director Cherry responded the Voluntary Development Agreement would be recorded and runs with the land indefinitely. The Department has a system in place to help catch properties with specialty permissions and documents that apply to them.

Mayor Reeves called a recess at 8:44 p.m. and called the meeting back to order at 8:51 p.m.

Mayor Reeves asked if there were any comments from the public in support of Ordinance 3264.

**Zach Griffin**, CEO of the Great Falls Area Association of Realtors, commented that housing is a matter that is of utmost importance in our community. Great Falls is a city with immense potential, but it faces critical challenges ensuring that its residents have access to safe, affordable housing. As we strive for progress and growth, we must not forget the fundamental need for shelter for all members of our community.

The Great Falls Association of Realtors mission statement is to provide programs and services to achieve the highest standards of ethics and professionalism and to advocate for all diverse housing opportunities and private property rights. The issue of housing affordability is pressing. Many families in Great Falls are struggling to find housing that fits within their budget, forcing them to make difficult choices between paying for housing and meeting other basic needs. Furthermore, the lack of affordable, work force housing can have ripple effects and currently does throughout our community. It affects our workforce as employers are struggling to find housing for their workforces. It affects our schools as our children from unstable housing situations may face challenges in their education. It affects our economy as businesses may struggle to attract and retain employees due to the high cost of living.

While the challenges are great, so too are the opportunities for positive change. The Commission has the power to make the difference in the lives of our fellow citizens by taking decisive action to address this housing crisis, which he referred to as a pandemic in our community. This will require collaboration and innovation. We must all work together with developers, nonprofit organizations

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and government agencies to increase the supply of affordable workforce housing in our city and invest in infrastructure and amenities to make our community vibrant and livable for all people of all income levels.

Mr. Griffin asked the Commission to be bold and to take a leading approach to addressing this housing crisis in Great Falls. It is not just a moral imperative, it is essential for the long-term prosperity and wellbeing of our city. By working together and taking bold action, we can create a community where everyone has a place to call home.

**Sherrie Arey**, Executive Director of NeighborWorks Great Falls, commented that this project is a culmination of a lot of effort over several years between the previous Commission and this Commission to push City Planning and the development community to find ways to bring homes to our community that are needed and in order to supply the housing stock that will be needed for us to grow. We have a tremendously old housing stock in Great Falls. The only way to help combat that is to bring more homes and that will bring affordability at all levels in the way we need. The folks that move into these apartments will open up spaces in other areas; it will open up other opportunities in other areas to improve, to have affordability and to increase our housing without expanding our services. Infill is key to helping our community.

There is still the issue of employment in our community. We have a tremendously low employment number, and we need more folks to come and put their roots down in Great Falls and to be that workforce that we need in our community. This project will provide homes for those individuals to begin their life in Great Falls, to continue their life and livelihood in Great Falls and hopefully to become homeowners and put their roots down in Great Falls.

There are many more steps the project has to go through before this is even fulfilled. NeighborWorks hopes this first step with zoning is passed tonight.

**Sandor Hopkins**, City resident, commented that when he and his wife moved to Great Falls in 2016 they struggled to find an affordable apartment to live in. They struggled to find any apartment to live in. It took them several months to secure housing. At that time, they were paying more in Great Falls than they were in Bozeman.

Mr. Hopkins is a member of the American Institute of Certified Planners and is a Certified Floodplain Manager. He clarified that he has had no involvement with this project. There is a housing issue in Great Falls that is getting worse. The people in Great Falls need a place to live and the community needs a way to generate that housing for people to live in. One of the ways that they do that is by creating community plans, such as the Growth Policy and the Missouri River Urban Corridor Plan. From those plans, codes and regulations are established that developers and landowners can then take and submit an application that meets the requirements of those codes and have some reasonable expectation that their development will be approved and will move forward in a reasonable and timely fashion.

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Mr. Hopkins encouraged the Commission's favorable vote and asked that they keep in mind that this will serve all the citizens of Great Falls, and it is a forward moving and forward-looking proposal.

**Katie Hanning**, Home Builders Association, commented that it is important for developers to have certainty. Those rules, as old as they are, are there for that. When they develop, it is not free. They are penciling it out. If they do not know for certain what is going to happen, they are not going to do it. Neither will anybody else that is watching all of this look at coming to Great Falls.

Ms. Hanning encouraged the Commission to pass this ordinance. Great Falls needs the housing, and the findings or facts are clear.

**Krista Smith**, 1328 Beargrass Dr., commented that she is the manager of the Great Falls Builders Exchange, executive secretary for the Great Falls Society of Architects, and her family has property on 10th Avenue Southwest. She acknowledged a group in the room that are adamant that the whole neighborhood does not want this ordinance to pass. That is untrue. Her family feels this project is a great thing for the neighborhood. There currently is a lot of blight. Over the last couple of years they were excited to see people investing in and improving their properties on this street. They are starting to see more youth in the neighborhood. She is not saying that they want to see any of the people that have been living there be forced out, because that is definitely not the case. The fact of the matter is that it is time to look at the opportunities to move Great Falls forward. Growth is not a terrible thing. She is impressed that there are developers from Great Falls who are willing to invest their own money in this project. They are not asking for subsidies. These are local people who understand that Great Falls needs this, and they are putting their money out there basically for the whole community. It is not low-income housing, but Great Falls needs all kinds of housing.

**Joel Worth**, Montana Carpenters Union representative, pointed out that a project like this would put a lot of local people to work and a lot of new apprentices started. He urged the Commission's approval to keep the community working.

**Michael Yegerlehner**, 313 2<sup>nd</sup> Street North, expressed approval of this action, but would have liked it to be low-income housing. He thinks there is a lot of fear. He lives next to a fourplex and townhomes, and blocks away are more apartments. There is no parking there except on-street parking. While it is inconvenient sometimes when someone takes his parking spot, he just deals with it because he lives in a city.

There is a housing shortage in town. When he moved to Great Falls, he could not afford to buy and he moved into an apartment, and later moved into a house. When he moved into the apartment, he did not become a crime-wielding maniac. He is still the same person he was before he moved in and when he moved out, and has lived with people who are lower income. It is easy to say there is no housing crisis when you have lived in the same home for 30 years or you bought that house 40 years ago. That is not the case now and is very difficult for a lot of people. He would love to see much smaller developments spread across the City. That is not an option right now, and this project

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meets a demand. He would live next to this project, and would have no problem expecting someone else to.

**Bradley Weast**, City resident, commented that he grew up in Great Falls, lived abroad for 35 years after he graduated from high school, lived in 16 different states and three different countries. He can attest that he has lived in a wide range of locations and next to things that you would not necessarily want to live next to. As a Chief Operating Officer of the Great Falls Hospital, he can say that housing is one of the key issues limiting bringing Allied Healthcare Professionals into the community. He supports creating housing, and affordable housing, so that we can continue to grow our community, the medical footprint, support of this community and its overall growth.

**Jolene Schalper**, Great Falls Development Alliance (GFDA), commented the Commission gets to help take an underperforming piece of land that can be served by existing City infrastructure and utilize it to its highest and best use to help meet one of our community's greatest needs. She made four points why this should be an easy decision:

- Staff conducted an extremely comprehensive analysis and City staff supports this rezone. They have exceeded the law in efforts to assuage neighborhood concerns. An example of this is the traffic study that was discussed in detail. Staff are land use, infrastructure, and traffic experts. They have consulted with additional experts to ensure that they are accurate in their assessment, and they recommend this rezone. GFDA firmly agrees with the staff assessments.
- The Development Agreement has been developed through cooperation and compromise to address neighborhood concerns. She noted that sometimes small audiences could be very vocal in opposition. Less than 30% of the neighbors spoke out in opposition. The others are either neutral or pro this development. These local developers have worked really hard to listen and make those concessions to be good neighbors. This is going to be good for the neighborhood and great for Great Falls overall public benefit.
- This rezone is in harmony with the City's legal development standards and visions. While those plans need to be updated, she noted that growth does take time. It does take 20 years to see the fruit of our efforts. You are not going to see Growth Plans overnight implement results. This project meets the current Growth Plans and the developers are following the guidelines that the City set forth.
- This community is in desperate need of housing at all levels for all incomes. This is clearly a public benefit. GFDA has conducted two recent studies that show our need for housing is dramatically increasing. We see the needs from our own families and friends who cannot find homes, from Colonel Voorhees, who stated publicly in January that housing was the number one priority for Malmstrom, and from Touro University, who told us that housing is their main concern with being here.

This is an incredible opportunity that the Commission has, and it is just the first step. There are still a lot of hurdles this project needs to go over. They are not asking the Commission to commit public funds, but they are asking the Commission to agree with the staff findings and to pass this rezone so the first step is accomplished. It is an incredible opportunity to act in the greatest interest of Great

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Falls. She urged the Commission to believe in the City's professional staff, heed the Development Agreement that was a compromise put together with neighborhood concerns, that the rezone is in harmony with the City's legal development standards and visions. GFDA urges the Commission's unanimous approval.

Additional written comments in support of Ordinance 3264, not already in the agenda packets, were submitted by: **Alan McCormick of Garlington, Lohn and Robinson, Kade Landon, Patsy Hagen, Kristina Landon, Col. Barry E. Little-USAF, Marlana Halko-Calumet Montana Refining, Darrell Block, Marlo Arthum, Terry Dutton, Tye Habel-TC Glass, Sean Hoven-Hoven Equipment Co., Dax Nebel-Nielsen Commercial, Inc., Layne Shanahan-Moderne Cabinet, Capcon Drain Pros., Kevin & Kody Smithy-Karma Coffee Brewing Co., Wayne Thares, Jesse Waldenberg-Central Plumbing, Heating & Excavation, Timothy Wylder.** Said comments in support pertained to the project being beneficial to nearby businesses, replacing what is less than desirable blight with substantial housing benefits that Great Falls desperately needs, supports the Growth Policy and will create precedent for future development, it is specifically discussed within the 2004 Missouri River Urban Corridor Plan, additional housing supports future growth, will attract new businesses to locate in the City and will support growth and success of existing businesses in the area, will create an increase in property tax revenue for the City, and the project will fill a critical need in the community.

Mayor Reeves asked if there were any comments from the public in opposition to Ordinance 3264.

**Steve Beaumont**, City resident, requested the Commission consider the negative impacts of this proposed rezone of Bay Drive property. The flow of traffic in and out of this area is comparable to the now scrapped plan of Dick's Trailer Park development proposal that was abandoned because of traffic complexities. There are no sidewalks or streetlights to or from this area, and no plans for improvements. The area has already undergone clearing of trees that were hundreds of years old and the habitat for Osprey families that he and his wife have enjoyed watching.

Mr. Beaumont commented that the railroad crossings range in condition from marginal to poor and often cause conflicts with travel as the train often stops on the crossing for lengthy time periods. The other railroad crossing has wood railroad ties that are disintegrating. The northbound exit is hindered by a one-way exit at the Central West exit. The addition of 92 units means hundreds of cars. Other areas could be used for housing developments. Over half of that development is in the floodplain.

**Julie Essex**, City resident, commented that the request before the Commission is a difficult one to decide. No one wants a project like this in his or her backyard. Garden Homes Tracts subdivision is zoned R-1. R-1 zoning is the only zone in Great Falls that allows chickens. This neighborhood also does not have sidewalks. This neighborhood has more in common with a rural agricultural area than a suburban area. Bay View Apartments will remove 4.46 acres from Garden Home Tracts in R-1 zoning. There are items that have been referenced from the City Growth Policy that supports the development of Bay View Apartments. There is an item from this same policy to oppose the

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development. Policy 1.4.13 sets forth “Protect the character, livability and affordability of existing neighborhoods by ensuring infill development is compatible with existing neighborhoods.” This project is a request to change existing R-1 to M-2. This change will create an island of high density, three story housing surrounded by rural residential housing, parks, river walks, river frontage and empty lots. The lot across the street is M-2, but it is not developed. It is owned by the BNSF Railroad Company and is near a Montana Department of Environmental Quality high priority cleanup site. This information is taken from a report prepared by the MDEQ dated 10-13-23.

She quoted from the Missouri River Urban Corridor Plan that “Superfund sites and other Brownsfields within the study area will continue to be deterrents to future development and redevelopment until they are remediated because of the environmental risks they pose. . .” Specifically, the Burlington Northern fueling facility – “Presently, no free product is observed in the river, but if sediments along the bank are disturbed, a fuel sheen can be observed.”

To say this M-2 rezoning request is an example of compatible land use based on the surrounding M-2 parcel is misleading. The surrounding M-2 parcel is next to an MDEQ high priority clean-up site and in all likelihood will not be developed. This existing R-1 parcel has nothing in common now with M-2 zoning, nor will it have anything in common with the existing M-2 parcel if it is rezoned. This request is not an example of compatible land use.

Ms. Essex continued that, should not the role of government be to represent the residents from which it has derived the power to govern. She believes most would agree that City growth is necessary. However, City growth must happen in a manner that is consistent with good governance. Growth that results in adverse impacts to existing neighborhoods and incompatible land uses is not consistent with good governance.

The City Growth Policy 4.2.6 states “The City may oppose zoning changes that will result in incompatible land uses and or result in adverse impacts to residential character or use of adjoining properties.” The issue before the Commission is clearly one that will result in incompatible land use. The proposed M-2 will have nothing in common with the existing M-2 or the surrounding R-1.

The issue before the Commission is clearly one that will result in adverse impact to the residential character. Over 100 Garden Home Tracts residents have provided evidence of the adverse impact by virtue of their signatures and testimony. The residents are overwhelmingly opposed to this development.

In conclusion, the same policy that was referenced to show support of this project also explicitly allows the Commission to deny it.

**Kim Wilson**, Law firm of Morrison, Sherwood, Wilson and Deola, Helena, MT, commented that he represents Kirby Berlin and Joe Berlin that own property immediately to the south of this development property. His comments pertain to the legal issues and the Commission’s legal

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obligations. As a point of clarification, there were still two trailers on the site three hours ago. The purpose of zoning is to protect and promote public health, safety and general welfare. In addition, under the statute, the Commission is obligated to consider the promotion of compatible urban growth and the character of the district and its peculiar suitability for particular purposes, which is under state zoning statute § 76-2-301. While there is no neighborhood policy in place the importance of neighborhood councils is underscored in the Growth Policy at page 11. “Their purpose is to provide a means for the citizens of Great Falls to actively participate in local government through a formal organization working at the neighborhood level. Neighborhood Councils provide advice and counsel to the City Commission on a variety of neighborhood issues.” That comment is underscored in Growth Policy 1.6.2. Neighborhood Council 2 voted unanimously to recommend denial of this proposal.

Planning staff listed only a few components of the Growth Policy and say that this project is consistent with the Growth Policy. The legal question is not whether it is consistent with whether it substantially complies with the Growth Policy, as several Montana Supreme Court decisions have indicated. He suggested that this zoning amendment does not meet that substantial compliance, citing the following Growth Policies:

- 1.4.11 Promote the character, quality and livability of neighborhoods by maintaining the quality of our existing housing stock.
- 1.4.13 Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.
- 4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- 4.2.1. Development density and intensity should be oriented towards areas of the city most capable of supporting it.

The City may oppose zoning changes that will result in incompatible land uses and result in adverse impacts to the residential character.

His client, in written comments and will tonight speak about concerns including economic impact on existing homeowners, the obtrusiveness and unsuitability of this project scale to the neighborhood, including 92 new units is incompatible with the scale of this neighborhood. All of these concerns are also reflected in the Neighborhood Council's letter and their unanimous recommendation to deny this. They talked about increased traffic and inadequate sidewalks in the area. Second Street SW is a windy, narrow street with no sidewalks and hardly enough room for two cars to pass.

The lack of parking leads to increased street parking, and the Neighborhood Council said, “This proposal would dramatically alter the landscape of this quiet neighborhood.” Returning to the obligation under the statute to consider the compatibility with the Growth Policy and promote compatible urban growth, he urged the Commission to heed the recommendation of the Neighborhood Council. Their recommendation reflects the public health, safety and welfare of the

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residents of the area. On behalf of his clients and their neighbors, he asked the Commission to reject this proposal.

**Jeni Dodd**, City resident, noted that she is not a resident of the area, but has concerns. She does not understand how the Commission can vote on a draft ordinance. Two contaminated sites were identified near the project in the Missouri River Corridor Plan. The BN site is a high priority State superfund site and is immediately across the street from this project. It appears that it is also slightly up hill from the proposed Bay View site. It seems that any contamination of that site may have traveled from the BN property underground into the subject property and toward the river. She is concerned that disturbance on the project site could release chemicals in the soils into the river.

The Missouri River Plan mentions no free product is observed in the river, but if sediments along the bank are disturbed, a fuel sheen can be observed. Those sediments would be disturbed, not on the BN property because it does not border the river, but by this property that does border the river.

There was no consideration or discussion in the rezoning application or the staff analysis of potential impacts of ground disturbance in the project area to this existing contamination and river. Apparently, as Commissioner Wilson has stated, a limited environmental assessment of this property has been done. She thinks there should be a more extensive environmental assessment of the property before any zoning is changed. The Bay View project is also within the FEMA flood zone AE that is a 100-year flood zone. OCCGF 17.56.1.070 Compliance sets forth "Development, new construction, alteration, or substantial improvement may not commence without full compliance with the provisions of these regulations." It seems to her that dirt being moved around and piled on the site may be noncompliant. OCCGF 17.56.1.150 Land Divisions Subdivision Review sets forth "Locations for future structures and development are reasonably safe from flooding." With the townhomes within the hundred-year flood zone, she does not see how it can be insured that future structures and development are easily safe from flooding. She inquired the effects of 119 paved parking spaces to the floodway. She also feels there are issues with spot zoning. The Montana Supreme Court identified factors to be reviewed and considered when determining whether a zoning proposal is legal spot zoning. The zoning change would benefit one landowner, and is significantly different from the prevailing use in the area.

Ms. Dodd further suggested that the support of the Great Falls Development Alliance should be disregarded because Spencer Woith is a member of that organization and, therefore, creates a conflict of interest.

**Bill Budesky**, 614, 10<sup>th</sup> Avenue SW, commented that he worked for Public Works for 21 years. He tv'd the sewers in the project area. There is a lot of flow that goes into the 10th Avenue Southwest lift station, filters the water, and then it goes to the force main down Bay Drive. He inquired why they could not tap directly into that force main. He opined the lift station would be overloaded with an additional 71,000 gallons per day. He also opined that the water main on Second Street was marginal and does not know if that little stretch of main would be able to handle any more water pressure.



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With regard to traffic on 10th Avenue Southwest, Mr. Budesky commented that a study recommended lowering the speed limit to 20 miles an hour. The centerline is 10 feet off. All the people on even numbered houses do not have off street parking for people visiting unless they have a driveway going in their yard. Also, why was that street made a bike route when 9<sup>th</sup> and 10<sup>th</sup> Avenue Southwest are supposed to be non-compatible for pedestrians and bike traffic.

Mr. Budesky believes there is more traffic than what was reported. The 92 units, plus visitors, will create extra traffic. He further noted that 6<sup>th</sup> Street Southwest gets backed up from Fox Farm to the north to 10th when the light changes to red. Fox Farm intersection cannot take much more traffic than it already has. Because there is a half mile of straight road with no obstructions, the speed limit is exceeded every day by many people. It is a safety issue.

Mr. Budesky suggested a NeighborWorks affordable housing project similar to Castle Pines that wouldn't require a rezone.

**Kathy Steffenson**, resident on 2<sup>nd</sup> Street SW, commented that it is not fair to her that the vehicle lights coming from the project driveway at night will shine in her house. She tried to build another garage on her acre of land, but was told by the City that she has too much roof space.

**Kirby Berlin**, 825 2<sup>nd</sup> Street SW, commented that his residence is about 140 feet from the proposed project. He has heard from the proponents the call for affordable housing and the housing crisis repeatedly. Five minutes ago, he checked apartments.com and there were 282 apartments available right now at different price points and sizes. As far as the housing is concerned and those proponents for it, this project will benefit the seller and the developers. At the same time, 101 property owners of the neighborhood oppose this project. The opponents are exercising their right of democracy by showing the Commission and the City of Great Falls that they have 101 signed property owners who oppose this project. Neighborhood Council 2 listened to the neighborhood and unanimously rejected this proposal. Their rejection was submitted to the Commission. The 101 property owners filed a formal protest opposing this project.

Mr. Berlin commented that he has heard repeatedly that the Missouri River and Growth Policies are justification for this project. In reviewing both of the documents for development, the key words are responsible growth to develop communities and neighborhoods. He argued that 101 property owners from the very neighborhood who oppose this, is not responsible growth.

He suggested the Commission put value on the 101 property owners and the Neighborhood Council that oppose this project. This project is not responsible development and growth when the neighborhood does not want it.

Ultimately, it comes down to the Commission. The Commission has heard the facts, and seen the hard work that the City staff put in to come up with their information. Mr. Berlin commented that is what they are compensated to do. They are doing their job. He is having to pay money to protect

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his rights and freedoms. It comes down to the logic. He urged the Commission to look hard at the facts, feelings, concerns, and the value of democracy and transparency.

**Pam Wagner**, City resident and member of Neighborhood Council 2, commented she drives all over Great Falls. She is not a realtor, but works with a large realty. There are a lot of rentals. Affordable housing is not \$1,800/month. She wants growth, but not at the expense of her neighbors. She has also heard that there is a waiting list for the ARC Apartments. When she called, there were two and three bedroom units available.

**Maurice Cameron**, resides on 10<sup>th</sup> Avenue SW, commented that the impact to the existing neighborhood will be traumatic. Everyone in the neighborhood he has talked to opposes the project. Mr. Cameron noted that he met with a prior City official that lives in the area of 24<sup>th</sup> Street and 24<sup>th</sup> Avenue that experienced a similar situation with affordable housing across the street. The area is now infested with crime and the traffic is out of control. He commented that staff had to go by the traffic numbers that they had for this project, but they were wrong. He suggested a street light or speed bumps on 10<sup>th</sup> Avenue SW. He expressed concerns about safety, quality of life, and apartment renters not paying taxes. Mr. Cameron urged the Commission to postpone or table this item until there is a third-party traffic study, inclusive of bicyclists, pedestrians and animals.

**Dave Broquist**, 711 10<sup>th</sup> Avenue SW, commented he has resided at that location for approximately 30 years. The neighborhood overwhelmingly feels like they are being sacrificed to satisfy the desire of the Great Falls Development Alliance just to create housing of any kind at all costs to the residents in the community.

The proposed structures will overwhelmingly be the largest structures in the entire neighborhood. The depiction shows a house on the corner that is probably 14 feet tall next to what is proposed as a three-story apartment. He finds it kind of amusing that the vegetation on the plan makes it look nice, but the site was stripped of hundred-year-old trees. It is another example of a definite character change to the neighborhood. He urged the Commission to preserve the neighborhood for the benefit of the constituents and make the Commission's legacy one of commitment to the citizens.

**George Hilpert**, 716 9<sup>th</sup> Avenue SW, commented that the Missouri River is an asset to Great Falls and he does not want anything like this project built on the river to ruin it. He purchased his house in 1967 and raised three boys. He does not want to see the neighborhood ruined. Little kids walk two blocks on the narrow streets to catch the school bus. There is no parking or boulevards. He is for progress and housing, but he does not care for apartment houses. Mistakes have been made in Great Falls. He suggested the Commission learn from those mistakes and go forward.

Additional written comments in opposition to Ordinance 3264, not already in the agenda packets, were submitted by: **Karen and Ed Venetz, Judith Mortensen, Jane Brinkman, Judith Mortensen, Steve Gillespie, Kathy Steffenson, Nicholas Sudan, and Terry Bjork**. Comments in opposition pertained to increased traffic, safety, mixed-use zoning categories next to single-family zoning is irresponsible, grew up in the area and don't want multy-family housing in our area,

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will block views, spot zoning, degrades the neighborhood, high-density development appears to be solely a greed factor by the developer, contractors, realtors, crafts people and the City.

There being no one further to address the Commission, Mayor Reeves asked if the applicant or staff wanted to address any of the public comments.

Director Cherry made a point a clarification that he misspoke with regard to the draft ordinance. The ordinance and voluntary agreement are complete and will be recorded. Whenever there is a special area plan, such as the Missouri River Urban Corridor Plan regardless of how old it is, staff refers to it as part of its analysis, plus it is stated within the existing Growth Policy to refer to it. Any proposal of that plan could be argued that it would not look like the existing neighborhood because the entire intention of the plan is for some sort of transformation to occur.

Spencer Woith, Woith Engineering, clarified that the signed and notarized Voluntary Development Agreement is binding. With regard to infill, Mr. Woith commented that he comes to these meetings with proposed developments regularly, and there are a lot of conversations about overtaxing infrastructure, stretching growth too far, getting outside of response times, and it has been a push to do infill. He is here today with an infill project. He feels this addresses the Fire Chief's concerns about being in the proximity of fire stations.

The approximate 4 ½ acres in underutilized. The current property taxes being paid on that parcel are \$6,800 per year. The apartments alone would increase the taxable value to \$117,000.

He despises the term “affordable housing” because the definition of affordable, as many people have said tonight, is up to the individual. Affordable means so many different things to so many different people. But, the more housing opportunities that are created is simple economics 101. Supply and demand. Great Falls does have very old housing stock. New housing coming online will force people to update or lower the rents to make them affordable for people. It is very difficult with the higher interest rates and the cost of building to develop without subsidies.

Mayor Reeves closed the public hearing and asked the will of the Commission.

**Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission adopt 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.**

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

Commissioner Wolff commented that the Commission has heard from the neighbors several times. The area does look more rural than it does urban or suburban. She understands the emotions, and this is change that is very difficult. She lives in an area that is the old St. Thomas orphanage. When

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those buildings were taken down and the developers came in to develop Forest Glen, the neighbors opposed due to traffic and other concerns. It has done nothing but improve the housing value and the neighborhood.

She knows of many friends who want to downsize. Should they buy one of the condominiums or townhomes along the river, then that will free up a large family home for other families that need that kind of housing. This is an infill project and not paid for out of taxpayer dollars. She also appreciates that the developer did not ask for tax abatements or a TIF District. The development funds are coming out of their pocket.

Commissioner Tryon commented that this is not an easy decision. When he suggested the Commission postpone this decision two weeks ago it was because he wanted to slow it down a little bit to hear from the people that live in that neighborhood.

This is a bit of a precedent. The Commission approved one rezone in the last 20 years from an R-1 to Industrial to have a business on part of the property. He has visited the site to get a feel for the area. If he lived there, he would not want anything to change. But, he wonders how much of a difference it would make if somebody had suggested the same rezone of an R-1 to an M-2 in Prospect Heights, Country Club Addition, or Eagles Landing, and how those folks would react. He would guess it would be the same as the opponents herein. People do not want to see their neighborhoods change. He gets that.

He also is conflicted because Neighborhood Council 2 voted unanimously against this item. He puts a lot of stock in what the Neighborhood Councils do when it comes to issues like this because that is what they are there for. They are the people that live in those neighborhoods and work there.

He also senses there will be a lawsuit or some type of legal action regardless of the way the Commission votes. We are in a new realty in Great Falls. He is going to vote for this because this City Commission cannot produce the required findings of facts to sustain a denial of this request. The second reason he is voting for this is because of the housing needs. Great Falls is almost in a crisis and he know that because of the studies that have been done and presented to the Commission. With regard to affordable housing, the supply needs to increase in Great Falls in order for prices to begin to come down.

Mayor Reeves commented that he echoes Commissioner Tryon. From a legal standpoint, the findings of facts did not support denial. He, too, will be supporting the motion.

Commissioner Wilson commented that she has spent a lot of time and angst over this, attended the three hour Zoning Commission meeting, attended the Neighborhood Council 2 meeting, read all of the comments received both for and against, and spent several sessions with the Planning Director and City Attorney because of her question about the Findings of Fact.

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The Growth Policy needs to be updated, but it is still valid. There is no other way around it legally. The Commission is bound to Findings of Fact. She hopes people will get involved in the new Growth Policy because things really need to be updated to what the community wants.

Commissioner McKenney commented that Great Falls has a real housing shortage. It has been going on for years, and it will be going on for another decade. Great Falls will not catch up quickly. The whole country has a housing shortage. One of the challenges when it comes to dealing with the housing shortage is the fear of change.

During his time on the Commission the past two years, every time the Commission is asked to make a decision on housing, the neighborhood comes out to protest. If the City Commission let fear rule the day our city would end up in decline. Decline is the ultimate change. It is a slow death. A successful community embraces the process of continuous adaptation. Wherever we live now, our house at one point in time was not there. It was put there and change happened. We created change when we moved into our neighborhoods. But, once we get there, we do not want any more change.

We have to embrace it, and we do not want to stagnate. We want to welcome the kind of change that reflects our values and allows our children to remain here if they choose to. That means a growing economy, diverse employment options, and entrepreneurship. When employers are looking to expand or relocate, they need housing for their employees. Today, Great Falls cannot meet the housing needs of our current population. How in the world are we going to have a thriving economy when we cannot meet our current needs? We need housing of all types. When he ran for City Commission, he was very vocal with his goals - safe neighborhoods (fire, police, courts and legal), more housing of all types, and economic prosperity and vitality.

This decision is hard for the Commission. The Commission understands the emotion. He sees the fear of change when it comes to this project. But, he does not see any negative health, safety and welfare issues if the zoning request is approved. If there were those kind of issues, maybe the Commission could make another decision. But it is just the opposite. The community will be enhanced. He will be voting yes.

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

Motion carried 5-0.

## **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 FURACES.**

Grant Administrator Tom Hazen reported that Great Falls Housing Authority owns and operates multi-family housing sites providing affordable housing to Low and Moderate Income families in our community. The Housing Authority is requesting \$60,000.00 of Community Development

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Block Grant (CDBG) funds to purchase and install 24 new Amana furnaces in some of these properties. The currently installed furnaces are beginning to reach the end of their useful life cycle. As these units reach this stage, they begin to fail, lose efficiency, and result in increased CO2 emissions. Installation of new units will secure against these deficiencies for the next decade plus.

A proposed use of traditional CDBG funds must meet certain eligibility thresholds defined in the United States Code of Federal Regulations. The rehabilitation of housing, especially of low-income rental or residential housing, is explicitly listed as an eligible use of CDBG funding. Additionally, creating benefits to low and moderate income persons is a national objective of the CDBG program. Further, the City of Great Falls Amended Action Plan has identified the goal of Housing Rehabilitation as a priority. Finally, the City Grant Committee has reviewed this proposal and unanimously approved it for funding.

As this project is in line with the national and local objectives of the CDBG program, benefits low to moderate-income residents, and improves available affordable housing, staff recommends approval of this proposal and funding this program.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the CDBG Funding Agreement in the amount of \$60,000 to the Great Falls Housing Authority for the purchase and installation of twenty-four (24) Amana furnaces.**

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.

**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.**

Grant Administrator Tom Hazen reported that This award is similar yet distinctive from the previous item. The proposal submitted by the YWCA of Great Falls is requesting funds from the Community Development Block Grant Coronavirus (CDBG-CV) pool allocated to the City. CDBG-CV funds were issued to municipalities receiving HUD distributions, or Entitlement Communities, to provide funding for programs designed to respond to the Coronavirus pandemic and other Infectious Disease outbreaks. These programs must also meet one of the three National Objectives previously discussed.

Studies reflect statistically demonstrable negative impacts of the pandemic on public stress, anxiety, and depression. The Mayo Clinic has also established that some recent increases in the use of alcohol and drugs may be related to these impacts. The YWCA has implemented a Counseling service specifically designed to respond to these behavioral health needs. These counseling services are offered specifically to LMI members of the Great Falls Community. These programs are designed to address the following treatment goals:

- Recall the traumatic events of the pandemic without being overwhelmed; and

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- Interact normally with family and friends without irrational fears or intrusive thoughts that may control behavior; and
- Return to pre-trauma level of functioning without avoiding people, places, thought, or feelings associated with the event; and
- Display a full range of emotions without losing control; and
- Develop and implement effective coping skills that allow for carrying out normal responsibilities and participating in relationship and social activities.

These services are offered to all ages and are funded wholly through this award. Additionally, these services are offered virtually. As a result, lack or limitations of transportation will not frustrate the provision of these services.

Addressing the mental health impacts of the COVID-19 pandemic is an eligible use of the CDBG-CV pool. Further, this program solely benefits the LMI community and is, therefore, in line with a National Objective of the CDBG program. Additionally, this program was previously awarded CDBG-CV funding. Finally, the City Grant Committee has unanimously approved this proposal for funding.

As this is an eligible project and is in line with local public interests, staff recommends approval of this award.

**Commissioner Wilson moved, seconded by Commissioner Wolff, that the City Commission approve the CDBG-CV Funding Agreement in the amount of \$65,882 to YWCA Great Falls to provide one-on-one counseling to 75 low to moderate income individuals.**

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 McKenney asked how people would know about this service and is there still a need or waiting list and was informed there is a referral network in place. Local medical and behavioral health providers make the services known to potential LMI patients. According to the YWCA, there is very much still a need. They have brought on additional staff to offer the service and are using a portion of the funding to expand their computer systems to support it.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

#### **19. RESOLUTION 10544 ESTABLISHING A PUBLIC SAFETY ADVISORY COMMITTEE.**

City Manager Greg Doyon reported that, after failure of the 2023 Public Safety Levy and Bond ballot questions, 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. 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

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was general consensus to create the committee for the purpose to (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 future levy; and (5) Strategies to engage a broad spectrum of community members and businesses. The Commission requested that the Committee's work be completed by September 2, 2024.

An overview of the City's budget with the Finance department will be required as to why the general fund cannot support some changes. There are very few areas left in the general fund to support public safety. He has said many times in the past that they tried to build capacity in the general fund to support public safety by cutting other areas and it did not work. That is why, in part, the ask was so big. The committee can take a look at whether the public recognizes that there is a public safety problem, help the City focus on where to narrow down where to put the limited resources or, if the City asks for new resources, where it needs to go to address those concerns.

**Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10544 establishing a Public Safety Advisory Committee.**

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

**Jeni Dodd**, City resident, commented she is a proposed member of the Committee. She inquired why both of the State Legislators chosen for this Advisory Committee were not residents of Great Falls, why there wasn't an application process for this Committee like other boards, and why there are two Commissioners on the Advisory Committee if the Committee's purpose is to advise the City Commission.

She thinks citizens understand what is going on with public safety, but have concerns about paying their own bills, especially the seniors that she has talked to.

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

Commissioner Tryon noted that he also raised the issue of the two Legislators not being City residents. He is not as concerned about residency in Great Falls as he is about one of the Legislators not paying taxes in the City of Great Falls. That is a concern because they are going to be talking about, deliberating and vetting the public safety issue when they are not actually going to be paying any of the taxes that would be potentially recommended by this committee.

Commissioner McKenney responded that it was an invitation to join this panel, and that is not unusual. When it came to the Legislators, the Commission wanted a Senate and a House member that served on certain committees. The Commission was presented names of senators and representatives that represent Great Falls Citizens in their districts.

Motion carried 5-0.

### **CITY COMMISSION**

#### **20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**



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Commissioner Wilson reported that she has worked several years with the unhoused population and those with pets are a deep concern to her. Many times these pets are their support animal. She announced that there would be a memorial service for Jesse James, a pet of one of her favorite unhoused people, at the Angel Room on Sunday at 11:00 a.m.

**21. COMMISSION INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Reeves, to adjourn the regular meeting of April 2, 2024, at 10:37 p.m.**

Motion carried 5-0.

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Mayor Cory Reeves

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City Clerk Lisa Kunz

**Minutes Approved: April 16, 2024**