



**City Commission Agenda**  
**Civic Center, 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**March 20, 2018**

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

**PRESENTATION**

Lincoln Student Leaders.

**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 address for the record.)*

1. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

2. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

3. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

4. Miscellaneous reports and announcements from the 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.*

5. Minutes, March 6, 2018, Commission Meeting.
6. Contracts List.
7. Total Expenditures of \$3,150,353 for the period of February 16, 2018 through March 7, 2018, to include claims over \$5,000, in the amount of \$2,897,300.
8. Resolution 10231, repealing Resolution 10069 regarding property addressed as 1905 4th St NE currently owned by MRO, Inc.
9. Award a contract in the amount of \$3,283,284.00 to Central Excavation for the 18th

Street Storm Drain Improvements Phase 2B – 4th Avenue South to 8th Avenue South & 11th Avenue South to 15th Alley South project, contingent upon Montana Department of Environmental Quality concurrence, and authorize the City Manager to execute the necessary documents.

**Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote**

## **PUBLIC HEARINGS**

10. Preliminary Plat for the Buffalo Crossing Subdivision located in Government Lots 2 and 3, Section 11, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, MT.

*Action: Conduct public hearing and approve or deny the Preliminary Plat of the Buffalo Crossing subdivision and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant. (Presented by Craig Raymond)*

11. Resolution 10230, Conditional Use Permit for a "Contractor Yard, Type II" land use located at 410 14th St SW.

*Action: Conduct public hearing and adopt or deny Res. 10230. (Presented by Craig Raymond)*

12. Resolution 10232, annexing 24th Ave S right-of-way adjoining Lot 4A of the Medical Tech Park Minor Subdivision and 24th Ave S right-of-way adjacent to Lot 2A and approval of a Final Plat for a 5-lot subdivision known as Rockcross Commons.

*Action: Conduct joint public hearing and adopt or deny Res. 10232 and approve or deny final plat. (Presented by Craig Raymond)*

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

13. Ordinance 3186, Amending Title 3, Chapter 6, of The Official Code of The City of Great Falls (OCCGF) Pertaining To Sale of Unclaimed Personal Property.

*Action: Adopt or deny Ord. 3186. (Presented by Sara Sexe)*

## **CITY COMMISSION**

14. Miscellaneous reports and announcements from the City Commission.
15. Commission Initiatives.

## **ADJOURNMENT**

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



**Item:** March 6, 2018 - - City Commission Meeting Minutes

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▢ March 6, 2018-- City Commission Meeting Minutes

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 6, 2018**

**Regular City Commission Meeting  
Commission Chambers Room 206**

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

City Commission members present: Bob Kelly, Bill Bronson, Tracy Houck, and Mary Sheehy Moe. Commissioner Owen Robinson was excused. Also present were Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Engineer Dave Dobbs; Library Director Kathy Mora; Park and Recreation Director Steve Herrig; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

**AGENDA APPROVAL**

No changes were proposed by the Deputy City Manager or City Commission. The agenda was approved as submitted.

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

None

**PROCLAMATIONS**

Charles M. Russell Month, Montana Retired Educator Day, Respect Day and 2017 Outstanding Airmen of the Year Award.

*\*\* Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional details \*\**

**PETITIONS AND COMMUNICATIONS**

1. **Miscellaneous reports and announcements.**

None

**NEIGHBORHOOD COUNCILS**

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

Mayor Kelly notes that the Park and Recreation Department will be attending Neighborhood Council meetings to educate them on the Park Maintenance District.

## **BOARDS AND COMMISSIONS**

3. **Appointment, Golf Advisory Board.**

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission appoint James (Jamie) Kapp as a non-league representative on the Golf Advisory Board for the remainder of a three-year term through March 31, 2019.**

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

4. **Appointment, Great Falls Planning Advisory Board.**

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission appoint Tory Mills for the remainder of a three-year term ending on December 31, 2020, to the Great Falls Planning Advisory Board.**

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

Commissioner Bronson commented that Mr. Mills was recommended by the Planning Advisory Board, and that he would be replacing Nathan Weisenburger. He further expressed appreciation to Mr. Weisenburger for his service to the City.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

5. **Removal of a Member, Public Library Board.**

Assistant City Attorney Joe Cik reported that the Official Code of the City of Great Falls (OCCGF) states that a board member could be removed from office if they miss more than one-third of the regular meetings in a calendar year without a explanation. There had been no response from Jane West to the correspondence informing her that she had an opportunity to provide a written explanation for her absences, and the recommendation that she be removed from her position as a member of the Library Board.

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission remove Jane West as a member of the Great Falls Public Library Board.**

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

Mayor Kelly thanked Jane West for her service as a valuable board member.

Commissioner Moe commented that she wished there was a more gentle way to remove Jane West.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

6. **Miscellaneous reports and announcements from Boards and Commissions.**

None

**CITY MANAGER**

7. **Miscellaneous reports and announcements from the City Manager.**

Deputy City Manager Chuck Anderson explained that City Manager Greg Doyon was attending a conference and would return to the office on March 8th.

Deputy Manager Anderson reported that on February 20th the Cascade County Tax Appeal Board issued a decision on the Calumet Montana Refining tax protest on Calumet's 2017 taxable value from Montana Department of Revenue. The board set the value at \$312.5 million. The original value set by the Montana Department of Revenue was \$538 million. Both the Montana Department of Revenue and Calumet have 30 days from February 20th to appeal the decision to the State of Montana Tax Appeal Board. After the appeal period the City will review the impact on the 2019 budget, which will definitely impact revenues.

The City has been engaged in a statewide Vigilant Guard exercise since last Friday. This exercise is held in four states each year, and this one has been in the planning stages for the last two years. Other participating entities include the Montana National Guard, Malmstrom Air Force Base, National Weather Service, State Disaster & Emergency Services, Cascade County and community partner entities such as American Red Cross, Calumet, NorthWestern Energy and Benefis. Fire Chief Steve Hester has been leading the Emergency Operations Center (EOC) as the Director, and almost every department or division has been involved. This exercise creates opportunities to practice, activate emergency operations plans, and to validate processes. The exercise will conclude on March 7th.

The first meeting of the City's Ethics Committee will be on March 7th at 3:00 p.m. in the Rainbow Room to elect chair and vice chair positions, as well as to discuss rules and procedures.

The *Tribune's* 2018 Greatest of Great Falls awards were presented at an awards ceremony on March 1st to the Electric City Water Park, which was voted as the greatest place for kids and fun; the Gibson Park Underpass was awarded for the greatest outdoor mural; and the River's Edge Trail was awarded for the greatest place to walk, bike, and walk dogs.

Mayor Kelly commented that the Vigilant Guard exercise was a full, comprehensive event. He expressed appreciation to Calumet for the use of its facility at Westgate Mall, and commented that the EOC is a great facility.

## CONSENT AGENDA

8. Minutes, February 20, 2018, Commission Meeting.
9. Contracts List.
10. Total Expenditures of \$1,720,743 for the period of January 31, 2018 through February 21, 2018, to include claims over \$5,000, in the amount of \$1,528,575.
11. Award a contract in the amount of \$73,400.00 to Sletten Construction Company for the Gore Hill Pump Station Pump Replacement, and authorize the City Manager to execute the construction contract documents. **OF**  
**1625.6**
12. Reject a contract for the Police Department Water Main Replacement/Re-route. **OF**  
**1684**

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as submitted.**

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

### **PUBLIC HEARINGS**

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

13. **Ordinance 3186, Amending Title 3, Chapter 6, of The Official Code of the City of Great Falls (OCCGF) Pertaining to Sale of Unclaimed Personal Property.**

Assistant City Attorney Joe Cik reported that during the 2017 legislative session, the Montana League of Cities and Towns worked on legislation to establish criteria as to how law enforcement agencies could dispose of unclaimed personal property. Ordinance 3186 provides a mechanism by which property owners would be informed of the disposal and allowing for a process to

reclaim property.

**Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3186 on first reading and set the second reading for March 20, 2018,**

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

Mayor Kelly received clarification that there would be publication of the planned disposal, and that an online auction website called *propertyroom.com* would be utilized for unclaimed property valued at \$20 or more. He further received clarification that unclaimed property under \$20 would be disposed of unless there were other legal regulations that require disposal.

Further, the Police Department could develop a policy that would allow a listing of unclaimed property to be circulated to non profit organizations first.

Police Chief Dave Bowen explained that the Police Department has an outstanding partnership with the Drug Treatment Court, and that they have first choice to take any unclaimed bicycles. Chief Bowen further explained that there is so much unclaimed personal property, that additional buildings would need to be built to house the property.

Commissioner Moe received clarification that the City is not currently selling unclaimed personal property without the guidance of an Ordinance, and that the legislation was petitioned to give the City the ability to adopt an Ordinance that would establish its own procedures.

Commissioner Houck received clarification that the statute allows the City to enact Ordinance 3186 based on the criteria listed in the agenda report. Commissioner Houck encouraged citizens to fill out a police report on the City website for their stolen items.

Referring to policy, Commissioner Moe inquired about who would determine the value of the unclaimed personal property, as well as if the Police Department could take unclaimed personal property home.

Assistant Attorney Cik responded that there would be a written policy by the Police Department, and that each unclaimed personal property would be on a case by case basis.

Responding to Commissioner Moe, Chief Bowen explained that there are two Evidence Custodians who are overseen by a supervisor, and that unclaimed personal property would either be destroyed, and/or disposed of in a secured dumpster.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

## **CITY COMMISSION**

### **14. Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson reported that he and Chief Bowen had attended the luncheon that



honored the recipients of the Five under 35 awards, and that the presentation of the recipients is available on the KRTV website.

Commissioner Houck reported that she attended a leadership event organized by Senator Jon Tester. Fourteen young professionals from the community ranked schools, employment, volunteer opportunities, and trails and the parks systems as the top reasons to live in Great Falls.

15. **Commission Initiatives.**

None

**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Houck, to adjourn the regular meeting of March 6, 2018, at 7:53 p.m.**

Motion carried 4-0

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
March 20, 2018**



**Item:** Contracts List

**From:** City Clerk's Office

**Initiated By:** Various Departments

**Presented By:** City Commission

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ATTACHMENTS:

- ▢ Contracts List

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 6**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: March 20, 2018**

**ITEM:** CONTRACTS LIST  
Itemizing contracts not otherwise approved or ratified by City Commission Action  
(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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Great Falls Police Department	Nelson Comfort Solutions	03/2018 – 07/2018	\$6,800	Agreement to remove and replace HVAC unit in call center room at the 911 Center
<b>B</b>	Planning & Community Development	Montana State Historic Preservation Office, Montana Historical Society, P.O. Box 201202, Helena, MT 59620-1202	04/01/2018 – 03/31/2019	\$5,500 (award of grant monies)	State of Montana Agreement MT-18-017 to maintain an active Historic Preservation Commission (HPC) and participate in and carry out the responsibilities for Certified Local Government program status including approved training (CR: 022018.9A)

<b>C</b>	PublicWorks/ Engineering	GPD, PC	03/20/2018- 12/31/2018	\$78,374	Professional Service Agreement to evaluate and test all accessible primary power distribution cable at the Wastewater Treatment Plant. The project will identify any cables whose aged conductor insulation fall below industry accepted standards. <b>OF 1633.7</b>
<b>D</b>	Public Works/ Engineering	Montana Specialty Mills	Permanent	N/A	Maintenance Agreement for Montana Specialty Mills at Agritech Park Addition, Lot 002, located in the S1/2 of Section 34, Township 21 North, Range 04 East, PM MT, Cascade County, MT, to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with its new facility. <b>OF 1591.8</b>
<b>E</b>	Public Works/ Engineering	West Bank LLC	Permanent	N/A	Maintenance Agreement for West Bank Landing, Lots 1 and 2 of COS 5054, located in the S1/2 of Section 2, Township 20 North, Range 3 East, PM MT, Cascade County, MT to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with the development at West Bank Landing. <b>OF 1488.4</b>



**Item:** Total Expenditures of \$3,150,353 for the period of February 16, 2018 through March 7, 2018, to include claims over \$5,000, in the amount of \$2,897,300.

**From:** Fiscal Services

**Initiated By:** City Commission

**Presented By:** Melissa Kinzler, Fiscal Services Director

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ATTACHMENTS:

- ▣ 5000 Report



**ITEM:** \$5,000 Report  
 Invoices and Claims in Excess of \$5,000

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
**[www.greatfallsmt.net/fiscalservices/check-register-fund](http://www.greatfallsmt.net/fiscalservices/check-register-fund)**

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN**  
**ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

ACCOUNTS PAYABLE CHECK RUNS FROM FEBRUARY 22, 2018 - MARCH 7, 2018	3,094,482.75
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 16, 2018 - FEBRUARY 28, 2018	55,870.50
<b>TOTAL: \$</b>	<b><u>3,150,353.25</u></b>

**GENERAL FUND**

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**POLICE**

BALCO UNIFORM CO INC	VORTEX VESTS	7,570.00
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**SPECIAL REVENUE FUND**

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**LIBRARY**

SIRSIDYNIX	ENTERPRISE ANNUAL SUBSCRIPTION	6,210.00
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**PLANNING & COMMUNITY DEVELOPMENT**

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT FOR TRANSIT PLANNING FROM UPWP FUNDS RECEIVED	23,803.17
ROBERT PECCIA AND ASSOCIATES	GREAT FALLS LONG RANGE TRANSPORTATION PLAN	29,988.04

**ENTERPRISE FUNDS**

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**WATER**

INDUSTRIAL AUTOMATION CONSULTING	OF 1519.6 WTP IMPRV PH 1	29,157.10
SLETTEN CONSTRUCTION COMPANY	OF 1519.6 WTP IMPRV PH 1	944,224.46
STATE OF MONTANA	1% WITHHOLDING SLETTEN	9,537.62
TD&H ENGINEERING	OF 1494.4 WATER MAIN RIVER CROSSING STUDY	16,000.25

**ENTERPRISE FUNDS (CONTINUED)**

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TECHNICAL MARKETING MFG, INC	GORE HILL PLCS	5,696.05
NALCO COMPANY	CHEMICALS	26,146.40
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF1625.6 GORE HILL PUMP STATION	7,472.04
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF1699 WATER/ SEWER RATE STUDY (SPLIT AMONG FUNDS)	19,856.59
<b>SEWER</b>		
VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	233,851.99
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
VEOLIA WATER NORTH AMERICA	GRAVITY PUMP REBUILD	6,096.99
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF1699 WATER/SEWER RATE STUDY (SPLIT AMONG FUNDS)	19,856.59
<b>911 DISPATCH CENTER</b>		
CENTURYLINK	DISPATCH MONTHLY LINE CHARGE	5,842.60
<b>PARKING</b>		
L'HEUREUX PAGE WERNER PC	PARKING GARAGE SECURITY PLANNING	5,001.08
<b>CIVIC CENTER EVENTS</b>		
1111 ENTERTAINMENT LLP	18-98 CASH OUT LOCASH	6,634.20
<b>INTERNAL SERVICES FUND</b>		
<b>HEALTH &amp; BENEFITS</b>		
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE INSURANCE PREMIUM MARCH 2018	738,713.45
<b>INFORMATION TECHNOLOGY</b>		
CDW GOVERNMENT	TOUGHBOOKS FOR POLICE DEPARTMENT	25,966.08
<b>CENTRAL GARAGE</b>		
MOUNTAIN VIEW CO-OP	FUEL	14,266.10
<b>CC FACILITY SERVICES</b>		
PRECISION AIR & WATER BALANCE	TEST & BALANCE FOR DUCT WORK IN CONVENTION CENTER	6,500.00

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 41,032.00

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	42,847.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,324.12
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,007.34
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,167.76
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	119,886.70
US BANK	FEDERAL TAXES, FICA & MEDICARE	181,287.22
AFLAC	EMPLOYEE CONTRIBUTIONS	10,980.62
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	21,427.74
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	14,111.52
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	24,295.57
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	12,785.06

**UTILITY BILLS**

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NORTHWESTERN ENERGY	TRANSMISSION CHARGES DEC 2018	17,075.65
NORTHWESTERN ENERGY	FEBRUARY 2018 SLD CHARGES	79,406.49
NORTHWESTERN ENERGY	JANUARY 2018 CHARGES	7,774.64

**CLAIMS OVER \$5000 TOTAL:** \$ 2,897,300.23





**Item:** Resolution 10231- Resolution repealing Resolution 10069

**From:** Planning and Community Development

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

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

**Action Requested:** City Commission adopt Resolution 10231

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10231, a resolution repealing Resolution 10069 a Resolution to allow the re-establishment and expansion of a non-conforming type-I casino."

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

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**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 10231.

**Summary:**

On June 3, 2014, the City of Great Falls City Commission adopted Resolution 10069 which allowed the re-establishment and expansion of a non-conforming Type-I Casino. Since that time, the owner, MRO, Inc. has not obtained permits to construct and re-establish a Type-I Casino that the Resolution provided for. The Official City Code of the City of Great Falls Title 17.16.36.100 A states " *Non-establishment. The conditional use permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.*" As such, Resolution 10069 shall be deemed to be null and void since no substantial work has commenced within the 12 month period.

**Fiscal Impact:**

The adoption of Resolution 10231 will not have any fiscal impact on the City of Great Falls or its citizens.

**Alternatives:**

The City Commission may deny Resolution 10231 if it finds reasonable cause to do so.

**Concurrences:**

Representatives from the City's Legal and City Clerk's office have been consulted the process of bringing forward this Resolution for consideration.

ATTACHMENTS:

- ▣ Resolution 10231
- ▣ Resolution 10069

**RESOLUTION 10231**

**A RESOLUTION REPEALING RESOLUTION 10069 TITLED “A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE RE-ESTABLISHMENT AND EXPANSION OF A NON-CONFORMING TYPE-1 CASINO”**

**WHEREAS**, MRO, Inc., applied for a conditional use permit for property addressed as 1905 4<sup>th</sup> Street NE and legally described as Lot 2, Stan Oil Tracts, Section 1, Township 20 North, Range 3 East, PMM, Cascade County, Montana, to allow a non-conforming Type-1 casino be re-established and expanded in a new building; and

**WHEREAS**, after conducting a public hearing at its regular meeting held June 3, 2014, the City Commission adopted Resolution 10069 subject to certain conditions; and

**WHEREAS**, the Official Code of the City of Great Falls (OCCGF) 17.16.36.100 sets forth that the conditional use permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion; and

**WHEREAS**, said Resolution 10069 was for a conditional use permit that was never established and, pursuant to OCCGF 17.16.36.100, the conditional use permit has expired.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Great Falls, Montana, that Resolution 10069 adopted June 3, 2014, is hereby repealed.

**PASSED AND ADOPTED** by the City Commission of the City of Great Falls, Montana, on this \_\_\_\_ day of March, 2018.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10069

A RESOLUTION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE RE-ESTABLISHMENT AND EXPANSION OF A NON-CONFORMING TYPE-1 CASINO

\* \* \* \* \*

WHEREAS, MRO, Inc, is the owner of record of the property addressed as 1905 4<sup>th</sup> St NE and legally described as Lot 2, Stan Oil Tracts, Section 1, Township 20 North, Range 3 East, PMM, Cascade County, Montana; and,

WHEREAS, said property is presently zoned C-2 General Commercial District wherein a Type-1 Casino is generally permitted; and,

WHEREAS, The River City Casino previously existed as a non-conforming Type-1 Casino until its demolition in June 2012; and,

WHEREAS, The Official City Code of the City of Great Falls allows the City Commission to approve the re-establishment and expansion of a non-conforming use upon the processing and approval of a Conditional Use Permit (CUP); and,

WHEREAS, the owner has applied for a Conditional Use Permit to allow a non-conforming Type-1 Casino be re-established and expanded in a new building, addressed as 1905 4<sup>th</sup> St NE, subject to the following conditions:

- 1. Stormwater Management.** A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits for the Site.
- 2. Substantial Compliance.** Final build-out of the project shall be in substantial compliance with the final approved site plan documents, drawings and renderings as depicted in this staff report.

**3. Land Use and Zoning.** Except as provided herein, development of the property shall be consistent with the allowed uses and development standards of the C-2 General Commercial district designation.

**4. 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.

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

**6. Landscape Screening.** Applicant shall provide at least the minimum required special landscaping as required in City code 17.20.6.140 (F).

**7. Site Signage.** Site signage shall comply with the City Sign Code as well as the following special conditions:

- Signs facing Smelter Ave NE shall not provide any “casino” designation.
- LED reader board type signs shall not be allowed on-site.

**8. Exterior lighting.** All exterior lighting shall be fully shielded, down-cast type lights so as to reduce any light spill onto adjoining properties.

**9. Exterior HVAC Equipment.** All exterior HVAC equipment shall be screened

**10. Food Service.** If food preparation is conducted on the subject property, an appropriate grease interceptor shall be provided per City standard and installed according to the appropriate plumbing/building codes.

and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 8, 2014, to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted to allow the re-establishment and expansion of a Type-1 Casino on the subject property.

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

That a Conditional Use Permit be granted for the property addressed as 1905 4<sup>th</sup> St NE and legally described as Lot 2, Stan Oil Tracts, Great Falls, Section 1, Township 20 North, Range 3 East, PMM, Cascade County, Montana, to allow the re-establishment and expansion of a Type-1 Casino, contingent on the owner complying with the said conditions; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
on June 3, 2014.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney



**Item:** Construction Contract Award: 18th Street Storm Drain Improvements Phase 2B – 4th Avenue South to 8th Avenue South & 11th Avenue South to 15th Alley South, Office File 1462.5

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Consider Bids and Award Construction Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (award/not award) a contract in the amount of \$3,283,284.00 to Central Excavation for the 18th Street Storm Drain Improvements Phase 2B – 4th Avenue South to 8th Avenue South & 11th Avenue South to 15th Alley South project, contingent upon Montana Department of Environmental Quality concurrence, and authorize the City Manager to execute the necessary documents.”

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

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**Staff Recommendation:**

Approve construction contract award.

**Background:**

Significant Impacts:

The 18th Street Storm Drain Improvement Project was initiated to improve regional storm water conveyance capacity. This is the final phase of the project and will complete improvements to the South Central Great Falls storm drainage basin. This phase of the project will significantly upsize the storm drain pipe located along 17th and 18th Streets South between 4th Avenue South and Chowen Springs Park, as well as complete improvements along 19th and 20th Streets South between 11th Avenue South and 15th Alley South. Work during this phase will also remove and upsize the aging water main along 18th Street South that runs parallel to the storm drain work.

Citizen Participation:



The improvements to the storm drain system will reduce the potential for stormwater impacting motorists and property during heavy rain events. There will be road closures along the route of the pipe installation. Local access for churches, schools and residences will be provided during construction.

Workload Impacts:

Thomas, Dean & Hoskins Engineering staff assisted City staff with design phase engineering and prepared plans and specifications. City engineering staff will provide construction phase engineering services and project inspection.

Purpose:

This project, along with the other phases, was designed to reduce the potential for flooding at the intersection of 15th Avenue South and 23rd Street South, and at 11th Avenue South and 11th Alley South between 18th and 19th Streets South. This final phase will complete the upsizing of the existing storm drain pipe to large storm drain box culvert between 4th Avenue South and Chowen Springs Park, while also upsizing the connections between previously completed improvements in the south half of the basin between 11th Avenue South and 15th Alley South.

In addition to Phase 2B described above, the following storm drain improvements have been constructed: 1) new upsized pipe on 18th Street South and 17th Street South between Central Avenue and 4th Avenue South and also between Chowen Springs Park and 11th Avenue South; 2) new pipe and inlets along 23rd Street South and at 11th Alley South, as well as new storm drain pipe across UGF to move water away from areas that experienced localized flooding during heavy rain events; 3) an overflow channel on the west side of the intersection of 15th Avenue South and 23rd Street South, and an athletic field that also functions as a regional storm water pond during large events located on UGF property; 4) a shallow detention pond located at Chowen Springs Park; and 5) expansion of the Sand Hills Park detention pond.

Project Work Scope:

Improvements include: the installation of 5 blocks of larger concrete storm drain ranging in size from 10 foot by 3 foot box culvert to 59 inch by 36 inch arc pipe from north of the intersection of 17th Street South and 4th Avenue South to northern half of Chowen Springs Park at 18th Street South; replacement and parallel storm drain pipe ranging in size between 48 inches and 24 inches will be installed from the intersection of 11th Avenue South and 19th Street South to 20th Street South and 15th Alley South; the water main along 18th Street South between 5th Alley South and Chowen Springs Park will be replaced and upsized; and other waterlines and sanitary sewers will be relocated at multiple locations to allow for the new large storm drain pipe. ADA accessible ramps and road resurfacing will also be included in this project. The project is scheduled for substantial completion in 230 calendar days.

Evaluation and Selection Process:

Three responsive bids were received on March 7, 2018, with the bids ranging between \$3,283,284.00 and \$3,525,141.00. Central Excavation, located in Great Falls, submitted the low bid.

Conclusion:

City staff recommends awarding the bid to Central Excavation in the amount of \$3,283,284.00.

**Fiscal Impact:**

The attached bid tabulation summarizes the bids that were received. The City has been approved for a State Revolving Fund Loan to cover the costs associated with this project. The City storm drain fund will repay the loan. The City water fund will pay for approximately \$200,000.00 of the total project

cost to cover the work associated with the water main replacement in 18th Street South.

**Alternatives:**

The City Commission could vote to deny award of the construction contract.

ATTACHMENTS:

- ▣ OF 1462.5 Bid Tab

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

BID TABULATION SUMMARY

OFFICE FILE 1462.5  
 18TH STREET SD IMPRV PH 2B

BIDS TAKEN AT CIVIC CENTER

DATE: 7-MAR-18  
 TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACK. ADD. #1	ACK. ADD. #2	ACK. ADD. #3	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	√	√	√	√	√	√	\$3,489,536.00
2	CENTRAL EXCAVATING 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	√	√	√	√	√	√	\$3,283,284.00
3	BOLAND CONST. PO BOX 7107 GREAT FALLS, MT 59406							DID NOT BID
4	COP CONSTRUCTION PO BOX 20913 BILLINGS, MT 59104	√	√	√	√	√	√	\$3,525,141.00
5	WESTERN MUNICIPAL CONST 5855 ELYSIAN ROAD BILLINGS, MT 59101							NON-RESPONSIVE BID
6								
7								
8								
9								
10								



**Item:** Preliminary Plat for the Buffalo Crossing Subdivision located in Government Lots 2 and 3, Section 11, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, MT

**From:** Brad Eatherly, Planner I

**Initiated By:** Holman Grain, Owner

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

**Action Requested:** City Commission approve the preliminary plat of the Buffalo Crossing subdivision and the accompanying Findings of Fact.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/deny) the Preliminary Plat of the Buffalo Crossing subdivision and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant."

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

**Staff Recommendation:**

At the conclusion of a public hearing held on February 27, 2018, the Planning Advisory Board recommended the City Commission approve the preliminary plat of Buffalo Crossing Addition, legally described above, subject to the fulfillment of the following Conditions of Approval:

**Conditions of Approval:**

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

**2. Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

**3. Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

**4. Land Use & Zoning.** Development of the property shall be consistent with allowed uses and specific development standards of the M-2 Mixed-Use Transitional district designation.

**5. Stormwater Plan.** A stormwater drainage plan meeting all City requirements shall be submitted in association with future development of the subdivision.

**6. Trail Access.** At the time of final platting, trail access easements running from Bay Drive to the existing trail in the subdivision shall be dedicated. The location and width of the easements shall be determined in consultation with the City's Park and Recreation Department.

### **Summary:**

The subject property is a long, linear strip of land at the southeast corner of Central Avenue West and Bay Drive, located along the western edge of the Missouri River. The property is ±2.22 acres and zoned M-2, Mixed-use transitional. There are two structures on the property. One structure is a brick building at the corner of Bay Drive and Central Avenue West, which is proposed for renovation and reuse, and the second structure is a metal clad storage building that will be either demolished or relocated as part of future development. A segment of the River's Edge Trail system runs along the back of the property, separated from the remaining property by a retaining wall. Finally, there are existing overhead power lines along the east edge of Bay Drive that the applicant hopes to bury with future development of the proposed subdivision.

The applicant is proposing to subdivide the property into six lots and create a project known as Buffalo Crossing. The northernmost lot would be created to redevelop the existing building, while five new lots are proposed for future development consistent with the M-2 zoning district. The applicant is hoping to develop the lots with mixed uses and potentially upper story residential units to take advantage of the property's riverfront location. The lots in the preliminary plat would range in size from 10,245 square feet to 25,510 square feet.

### **Background:**

The property proposed for subdivision has been underutilized for some time. Within the last two years, the City took nuisance abatement action against the owner to require upgrades to the existing building in response to complaints about its condition. Not long after this action, the owner contacted the City to inquire about subdividing the property with the goal of renovating and reusing the existing building as well as creating new lots for riverfront development along the west side of the Missouri River.

The proposed lots meet all the requirements specified in the City's M-2 zoning district. Additionally, because the property is located within the heart of the City, public infrastructure and services can be readily provided. Infrastructure services are noted in the section below.

### **Improvements:**

Transportation: Roadway infrastructure already exists with Bay Drive running in a north/south direction alongside the parcel to be subdivided. 1st Avenue SW and 2nd Avenue SW run perpendicular to the site

and both terminate at Bay Drive. Bay Drive will be utilized for vehicular access for each lot at the time of development. Currently, no sidewalk exists; however, the owner does acknowledge that public sidewalk will be installed as each lot develops. Additionally, the applicant will be required to install boulevard trees and curbing along the east edge of Bay Drive.

In addition to the sidewalk, shared use paths will be provided to connect Bay Drive to the River's Edge Trail, one in the middle of the subdivision and one at the south end. Appropriate easements and design of these connections will be established during final plat review and development of the individual lots. This will involve consultation with the City's Park and Recreation Department. Additionally, consideration will need to be paid to the design of stormwater drainage and the presence of the existing retaining wall during the design process for these trail connection points.

Utilities: All utilities, including water, sewer, power, gas, and telephone, exist in the Bay Drive Right of Way. No extension of water or sewer mains is needed for the subdivision. Water services will be connected to the main at the time of development. It is possible that an additional fire hydrant may be required.

It is anticipated that there is adequate sewer capacity for the typical amount of wastewater discharge associated with the proposed subdivision. Sewer services will need to be connected to the existing gravity main.

Stormwater Management: The site does not lend itself to a detention basin concept, as lot square footage is at a premium. The existing lot drains away from the river and towards Bay Drive. An existing 42" storm drain pipe crosses the property and will be utilized as part of the subdivision's drainage design. This existing pipe is identified on the plat with a 20-foot wide easement. It is likely a private storm main will be constructed adjacent to the River's Edge Trail easement. Other methods in site design will include, but not be limited to, low impact development concepts. Those methods include stormwater storage and reuse for lawn irrigation, underground detention, dry swales, biofiltration, and infiltration trenches.

Special care to divert stormwater run-off from the River's Edge Trail will be necessary once development occurs. Specific plans for stormwater management will be incorporated into plans as development occurs.

**Public Input and Planning Advisory Board Hearing:**

Neighborhood Council Input: The subject property is located in Neighborhood Council #2. The owner's representative presented information to Council #2 on February 14, 2018. Two Council members voted in favor of the project with one member abstaining and two members absent.

Planning Advisory Board Hearing: At the February 27 Public Hearing for the petition, three residents spoke to the Board and expressed concerns about the proposed subdivision. One resident expressed opposition because of concern that the proposed subdivision was not consistent with the City's *Missouri River Urban Corridor Plan* created by the City in 2004. Staff notes that the proposed re-use of the existing building, connectivity to the existing River's Edge Trail, and infill development along the western side of the Missouri River are all consistent with the Plan.

Two other residents attending the hearing expressed concern about the project's impact to the Missouri River streambank and floodplain. They also had concerns about whether there would be adequate parking on each lot since the parcels are quite shallow in depth. These are legitimate concerns, but they are issues related to the actual development of the property rather than the City Commission's decision

on whether the property should be subdivided. All future lot development is required to be reviewed by the City's Design Review Board.

Public Notice for the City Commission Public Hearing was published in the *Great Falls Tribune* on March 4, 2018. To date, Staff has not received any further inquiries on this project.

**Basis for Decision:**

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. The governing body shall issue written findings of fact that weigh the criteria in of 76-3-608 (3) MCA, which are attached as Findings of Fact – Subdivision.

**Fiscal Impact:**

The subject property has already been annexed, so services are already being provided by the City. Many of the costs of infrastructure improvements are being covered by the applicant. The preliminary plat provides an increase in lots, which increases the City's tax base and increases revenue. The developer has indicated an interest in utilizing funds from the West Bank Urban Renewal District (TIF District) for potential expenses such as sidewalk, curbing, and utility line relocation. However, no proposal has yet been brought forward. Such a request requires consideration by the City Commission.

**Alternatives:**

The City Commission could deny the preliminary plat pursuant to MCA 76-3-604. This would require the development of alternative Findings of Fact.

**Concurrences:**

Representatives from the City's Public Works and Engineering Departments been involved throughout the review process and have provided comments regarding infrastructure improvements. All recommendations have been incorporated to date.

ATTACHMENTS:

- ▣ Aerial Map
- ▣ Zoning Map
- ▣ Preliminary Plat
- ▣ Findings of Fact - Subdivision



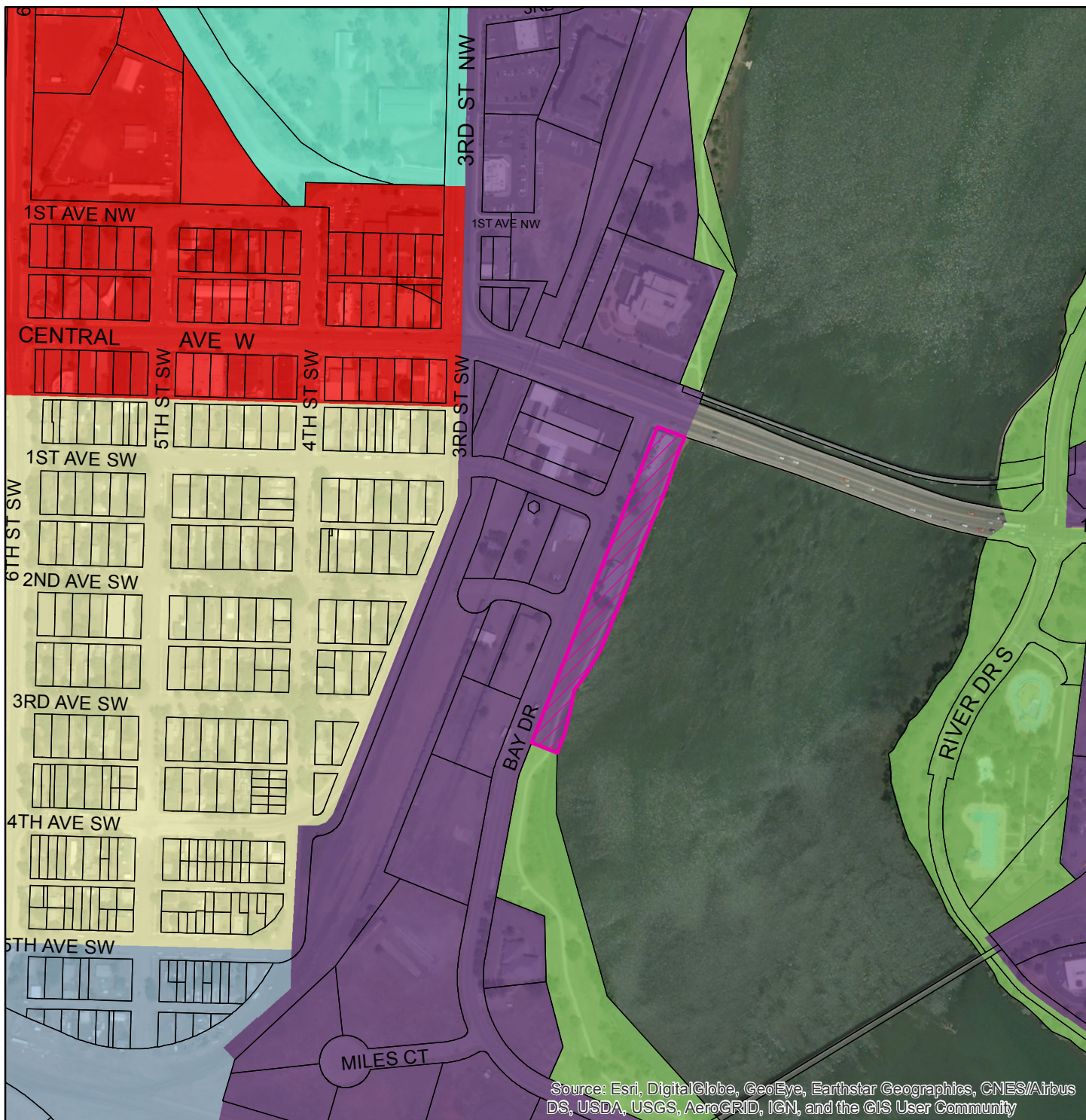
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






The City of Great Falls uses the most current and complete data available. However, GIS data and product accuracy may vary. GIS data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. The City of Great Falls reserves the right to correct, update, modify, or replace, GIS products without notification. The City of Great Falls cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. Using GIS data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may neither assert any proprietary rights to this information nor represent it to anyone as other than City Government-produced information. The City of Great Falls shall not be liable for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



# ZONING MAP



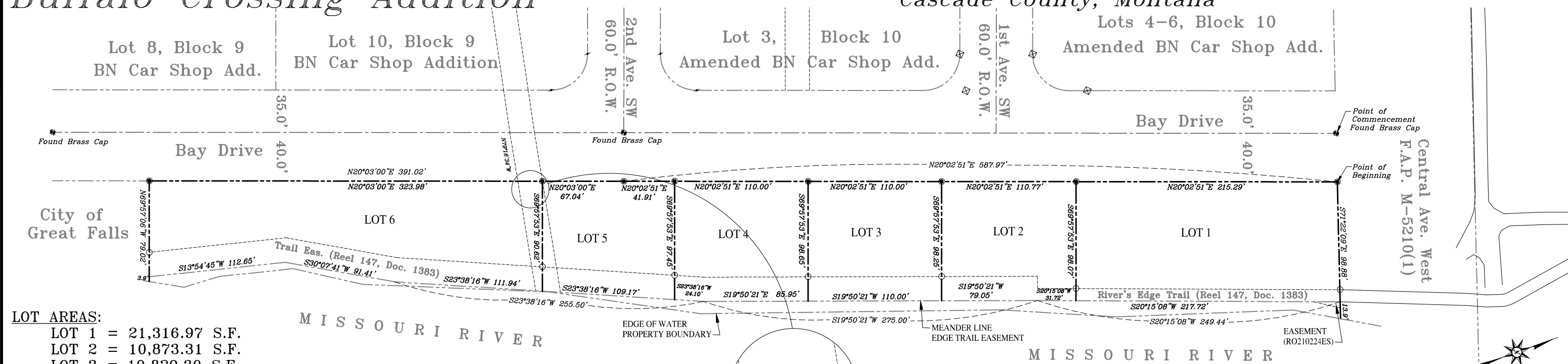
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  Subject Property
-  City Limits
-  Tracts of Land
-  R-3 Single-family High Density
-  C-2 General Commercial
-  M-2 Mixed-use Transitional
-  I-1 Light Industrial
-  PLI Public Lands and Institutional
-  POS Parks and Open Space



# Preliminary Plat of the Buffalo Crossing Addition

Located in the Government Lots 2 and 3, Section 11, Township 20 North, Range 3 East, P.M., Cascade County, Montana



**LOT AREAS:**

LOT 1	=	21,316.97	S.F.
LOT 2	=	10,873.31	S.F.
LOT 3	=	10,829.30	S.F.
LOT 4	=	10,854.10	S.F.
LOT 5	=	10,245.14	S.F.
LOT 6	=	25,510.85	S.F.

## Plat of the Buffalo Crossing Addition

### Certificate of Dedication

We, the undersigned property owners of "BUFFALO CROSSING ADDITION", do hereby certify that we have caused to be surveyed, subdivided, and platted into lots and blocks, and for the purpose of dedicating streets, as shown by the plat hereon annexed, the following described encompassing parcel of land in the City of Great Falls, Cascade County, Montana, to wit:

### Description

A tract of land located in Government Lots 2 and 3 of Section 11, Township 20 North, Range 3 East, Montana Principal Meridian, Cascade County, Montana, and being more particularly described as follows:  
 Commencing at a point on the southerly boundary of Central Avenue West at the centerline of Bay Drive in the City of Great Falls, Montana. Said point being monumented with a brass cap flush with asphalt; thence South 71°22'09" East along the southerly boundary of Central Avenue West a distance of 40.01 feet to the Point of Beginning;  
 thence continuing along right-of-way South 71°22'09" East, 98.88 feet to meander point No. 1 on the west bank of the Missouri River;  
 thence South 71°22'09" East to the west Low Water Line of the Missouri River;  
 thence southerly coincident with the Low Water Line of the Missouri River to a point easterly from meander point No. 6 which bears from meander point No. 1 the following five (5) courses:  
 South 20°15'08" West a distance of 249.44 feet;  
 thence South 23°38'16" West a distance of 255.50 feet;  
 thence South 30°07'41" West a distance of 91.41 feet;  
 thence South 13°54'45" West a distance of 112.65 feet to meander point No. 6;  
 thence departing the meander courses North 69°57'06" West a distance of 79.02 feet to a point on the southeasterly right-of-way of Bay Drive;  
 thence along the southeasterly right-of-way of Bay Drive the following two (2) courses:  
 North 20°03'00" East a distance of 391.02 feet;  
 thence North 20°02'51" East a distance of 587.97 feet to the Point of Beginning. Originally defined on Certificate of Survey #1091 and most recently by deed at R0121206, this Tract contains 2.22 acres more or less and is subject to easements shown hereon and all others of record or otherwise.

Signed: \_\_\_\_\_  
 Kenneth W. Holman (Title)

State of Montana )  
 County of Cascade ): ss.  
 On this day of \_\_\_\_\_, 2018, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ and \_\_\_\_\_, known to me to be the person(s) whose name(s) 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: \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

### Certificate of Surveyor

I, James S. Kendall, MT PLS #18576, a Licensed Professional Land Surveyor, do hereby certify that I performed the survey shown on the attached Plat of Buffalo Crossing Addition, the City of Great Falls, Cascade County, Montana, that said survey is true and complete as shown, and that the monuments found and set are of the character and occupy the positions shown thereon.  
 As per ARM24.183.1101(1)(d); due to planned improvement installation, the monuments not in place at the time of filing, (as depicted in the legend) will be placed within 240 days of recording this survey.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

James S. Kendall, PLS, Montana License No. MT PLS #18576

### Certificate of County Treasurer

I, \_\_\_\_\_, Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in Plat of Buffalo Crossing Addition, the City of Great Falls, Cascade County, Montana, and find that the taxes in same have been paid for the past five years. Tax Parcel #0002579700.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

County Treasurer, Cascade County, Montana

### Certificate Dispensing with Park or Playground

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the 3rd day of September, 2013, and entered into the proceedings of said body to-wit: Inasmuch as dedication of parkland within the platted area of the Plat of Buffalo Crossing Addition to the City of Great Falls, Cascade County, Montana, is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the City Commission of the City of Great Falls, Montana, and instead accepted a cash donation in the sum \$13,399.71 for the park fund in lieu of the land that would have been dedicated, if dedication were made, in accordance with Section 76-3-621(1)(a), MCA.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

City Manager, City of Great Falls, Montana

### Certification that adequate storm water drainage and adequate municipal facilities will be provided

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018, and entered into the proceedings of said body to-wit: That adequate storm water drainage and adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said facilities of the City of Great Falls, Cascade County, Montana, and this certificate is made pursuant to section 76-4-127, M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

City Manager, City of Great Falls, Montana

### Certificate of Public Service Director

I, Jim Reardon, Public Service Director of the City of Great Falls, Cascade County, Montana, do hereby certify that I examined the accompanying Plat and the survey it represents and I found that 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 hereby approve the same.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018

Public Service Director, City of Great Falls, Montana

### Certificate of Final Plat Approval

The City Commission of the City of Great Falls, Cascade County, Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

By: \_\_\_\_\_  
 City Manager, City of Great Falls, Montana Clerk

### Certificate of Great Falls Planning Advisory Board

We, the undersigned, President, Great Falls Planning Advisory Board, and Craig Raymond, Secretary of said Great Falls Planning Advisory Board, do hereby certify that the accompanying plat of Buffalo Crossing Addition to the City of Great Falls, Cascade County, Montana, has been submitted to the Great Falls Planning Advisory Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on the 9th day of April, 2017.

President, Great Falls Planning Advisory Board

ATTEST:

Craig Raymond, Secretary, Great Falls Planning Advisory Board

### EXHIBIT A

JOB NO.:	1704	NCI Engineering Co. 4509 North Star Blvd. Great Falls, MT 59406 Phone 406-453-5478
DATE:	1/30/2018	
DRAWN BY:		
DWG. NAME:	EXHIBIT A	SHEET NO. 1 of 5 File #

## FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

Government Lots 2 and 3, Section 11, Township 20 North, Range 3 East, P.M., MT, Cascade County, Montana.

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

### PRIMARY REVIEW CRITERIA:

**Effect on Agriculture and Agricultural Water User Facilities:** The subdivision is located within the City limits and is not currently being used for agricultural purposes. The subject property is located in an existing developed area. Thus, the proposed subdivision will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** The lots in the subdivision will connect to City water and sewer mains. The Owner will pay the cost of connecting to these utility mains. The Owners within the subdivision will pay regular water and sewer charges, and monthly storm drain charges.

The existing properties currently have law enforcement and fire protection service from the City of Great Falls. Providing these services to the subdivision is expected to be a manageable cost to the City and increased tax revenues from improved properties may cover increase costs.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or water quality or quantity of surface or ground waters. Surface drainage from the subdivision will flow to an existing storm system. Modification will be required when development occurs. Future stormwater management will be reviewed and must be approved by the Public Works Department. Although some of the property is constrained by floodplain, the applicant is working with City staff to meet all flood hazard development requirements.

**Effect on Wildlife and Wildlife Habitat:** There is existing development to the north, south, and west. The Missouri river is to the east. There should be no effect to the fish and wildlife in the area. The subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal potential natural hazards such as wildfire, avalanches or rockslides; nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity.

### REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

#### **EASEMENT FOR UTILITIES**

Currently a 20 foot wide easement exists which includes a 42 inch stormwater drain. No other utility easements are necessary to be identified at the preliminary plat stage. If any new facilities are proposed outside of the Bay Drive Right of Way, appropriate easements will be created.

#### **LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed development will be from Bay Dr. This is an existing road and is maintained by the City of Great Falls.



**Item:** Public Hearing - Resolution 10230 - Conditional Use Permit for a "Contractor Yard, Type II" land use located at 410 14th St SW

**From:** Planning and Community Development Department

**Initiated By:** Braylen Sykes - Terrascapes, LLC.

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

**Action Requested:** City Commission adopt Resolution 10230

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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) Resolution 10230 for a Conditional Use Permit for a "Contractor Yard, Type II" land use located at 410 14th St SW, Great Falls, MT, subject to the applicant fulfilling the listed conditions of approval.”

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

**Staff Recommendation:**

At the conclusion of a public hearing held on February 13, 2018, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the Conditional Use Permit, subject to the following conditions of approval:

1. General Code Compliance: The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, 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: Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for the M-2 Mixed-use transitional district designation.

3. Subsequent Modifications and Additions: If after establishment the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
4. Expiration and Abandonment: The Conditional Use Permit shall expire six months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
5. Design Review Board Process: When future phases of the project propose to construct new buildings and/or additions that exceed five hundred (500) square feet, and/or exterior renovations, the applicant shall submit the proposed project to the Design Review Board and shall be subject to the Design Review Board's recommendations.
6. Utilities: Final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
7. Building Permits: A building permit application for development must be submitted within 30 days of final approval of the conditional use. The work on this development shall be substantially completed before June 1, 2018, and a Safety Inspection Certificate for the business approved by the Great Falls Fire Rescue Department by July 1, 2018.
8. Outside Storage: Storage and stockpiles of landscape material such as topsoil, bark, mulch, and nursery stock shall be maintained in a neat and orderly fashion and not strewn about the property.
9. Waste Management: Waste, yard waste, and other debris shall not be allowed to accumulate on the property. Existing salvage materials such as wood debris and scrap metals shall be disposed of properly. Existing piles of dirt and soil shall be stockpiled for future use in an orderly fashion, incorporated into the new landscape, or removed from the property.
10. Erosion Control and Dust Control During Site Development: A Dust Control Plan for the subject property shall be submitted for review and approved with the building permit application.
11. Buffer and Screening: Where the subject property abuts a residential use, the development must maintain a minimum fifteen (15) foot landscape buffer along the shared property line. Where vehicular traffic areas abut adjacent residential property, the area shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

**Summary:**

The applicant, Terrascapes, LLC, has submitted an application requesting a Conditional Use Permit to allow for the establishment of a "Contractor Yard, Type II" land use upon the property located at 410 14th St SW, legally described as Block 1, American Brewery Addition, and Lots 8-10, Block 10, and Lots 1-2, Block 11, Community Hall Addition. The subject property is presently zoned M-2 Mixed-

use transitional, wherein a Contractor Yard, Type II, land use is permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

A “Contractor Yard” is defined in OCCGF Title 17 as “a place and/or building, or portion thereof, that is used or is intended to be used by a contractor or builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.” A Contractor Yard, Type II is considered compatible in size and scope with industrial and commercial activities, as opposed to smaller-scale businesses that would have no substantial impacts to a residential neighborhood.

**Background:**

Terrascapes, LLC, has been occupying the subject property and operating the business without the required Conditional Use Permit. Staff learned of this violation when the owner, Mr. Sykes, applied for a building permit for a project on the property. Staff has also received comments and complaints regarding the property since that time. As such, certain conditions of approval are owing to the neglected condition of the property and its affect on neighboring properties.

Terrascapes is a construction firm employing eight or more seasonal workers, offering lawn care, landscaping, nursery materials, snow removal, irrigation repair, full service lawn mowing, mulches, and construction. The business has been offering these services for nine years. Terrascapes was formerly located at 601 River Dr. S. In order to accommodate the expanding business, the owner purchased the subject property.

The subject property is comprised of six tracts of land, totaling 13.2 acres, formally used by Carl Weissman & Sons metal salvage operations. The subject property has an existing 16,000 square foot warehouse in the southeast corner of the property. The western and northern portions of the property were filled with concrete rubble and then partially covered with dirt. The subject property is surrounded by urban development that includes a metal fabrication business to the southeast, automotive repair business to the east, nursery business to the south, and residential properties to the west and north. In phase 1 of the redevelopment of the property, the applicant intends to renovate the lower level, west side of the warehouse which is approximately 9,800 square feet, for his business operations and use portions of the west property for a nursery, landscape material storage, and outside equipment parking. The redevelopment includes site clean-up, building renovations, boulevard trees and landscaping along 5th Avenue Southwest, and landscape buffers along the residential properties to the west. A new driveway approach will be constructed, concrete parking spaces next to the warehouse installed, and gravel parking for equipment and seasonal employees. Future phases or land uses are not currently being proposed.

The subject property is located in Neighborhood Council #2. The representative of the property met with Neighborhood Council #2 on January 10, 2018, and the Council voted unanimously in favor of the Conditional Use Permit. Public Notice for the Zoning Commission Public Hearing was published in the Great Falls Tribune on January 21, 2018. Letters were sent to property owners within 150 feet of the subject property, and a sign notifying interested parties of the public hearing was posted on the site prior to the hearing.

**Fiscal Impact:**

Approval of the Conditional Use Permit would allow the owner to make improvements to the property, use the property for a Contractor Yard, Type II, and expand his business, adding to the existing tax base

for the City.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could recommend denial of the Conditional Use Permit, identifying alternative Bases of Decision for the denial.

**Concurrences:**

Representatives from the City's Public Works, Park and Recreation, Planning and Community Development and Fire Rescue Departments have been involved throughout the application review process for this conditional use permit.

ATTACHMENTS:

- ▣ Resolution 10230
- ▣ Aerial
- ▣ Zoning
- ▣ Site Plan
- ▣ Basis of Decision
- ▣ Site Photos



RESOLUTION 10230

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A “CONTRACTOR YARD, TYPE II” LAND USE UPON PARCELS OF LAND ADDRESSED AS 410 14<sup>th</sup> STREET SOUTHWEST, AND LEGALLY DESCRIBED AS BLOCK 1, AMERICAN BREWERY ADDITION, LOTS 8, 9, AND 10, BLOCK 10, AND LOTS 1 & 2, BLOCK 11, COMMUNITY HALL ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA.

\* \* \* \* \*

WHEREAS, the City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Contractor Yard, Type II” land use upon 410 14<sup>th</sup> Steet Southwest, and legally described as Block 1, American Brewery Addition, Lots 8, 9, and 10, Block 10, and Lots 1 & 2, Block 11, Community Hall Addition, Great Falls, Cascade County, Montana (subject property); and

WHEREAS, the subject property is presently zoned M-2 Mixed Use Transitional, wherein a “Contractor Yard, Type II” land use is permitted upon receiving approval of a Conditional Use Permit; and

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Contractor Yard, Type II” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 13, 2018 to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Contractor Yard, Type II” land use be granted by the City Commission for the subject property, subject to the following conditions:

## CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT:

1. General Code Compliance: The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, 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: Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for the M-2 Mixed-use transitional district designation.
3. Subsequent modifications and additions: If after establishment the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
4. Expiration and Abandonment: The Conditional Use Permit shall expire six months after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion.
5. Design Review Board Process: When future phases of the project propose to construct new buildings and/or additions that exceed five hundred (500) square feet, and/or exterior renovations, the applicant shall submit the proposed project to the Design Review Board and shall be subject to the Design Review Board's recommendations.
6. Utilities: Final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
7. Building Permits: A building permit application for development must be submitted within 30 days of final approval of the conditional use. The work on this development shall be substantially completed before June 1, 2018, and a Safety Inspection Certificate for the business approved by the Great Falls Fire Rescue Department by July 1, 2018.
8. Outside Storage: Storage and stockpiles of landscape material such as topsoil, bark, mulch, and nursery stock shall be maintained in a neat and orderly fashion and not strewn about the property.
9. Waste Management: Waste, yard waste, and other debris shall not be allowed to accumulate on the property. Existing Salvage materials such as wood debris and scrap

metals shall be disposed of properly. Existing piles of dirt and soil shall be stockpiled for future use in an orderly fashion, incorporated into the new landscape, or removed from the property.

10. Erosion Control and Dust Control During Site Development: A Dust Control Plan for the subject property shall be submitted for review and approved with the building permit application.

11. Buffer and Screening: Where the subject property abuts a residential use, the development must maintain a minimum fifteen (15) foot landscape buffer along the shared property line. Where vehicular traffic areas abut adjacent residential property, the area shall be screened with a decorative masonry or concrete wall at least four (4) feet in height, or with evergreen and deciduous trees and shrubs in combination with low soil berms that will provide ample screening within three (3) growing seasons to protect the residential property.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That a Conditional Use Permit be granted for a “Contractor Yard, Type II” land use at the property addressed 410 14th Street Southwest, and legally described as Block 1, American Brewery Addition, Lots 8, 9, and 10, Block 10, and Lots 1 & 2, Block 11, Community Hall Addition, Great Falls, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OCCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OCCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on 20<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)


APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

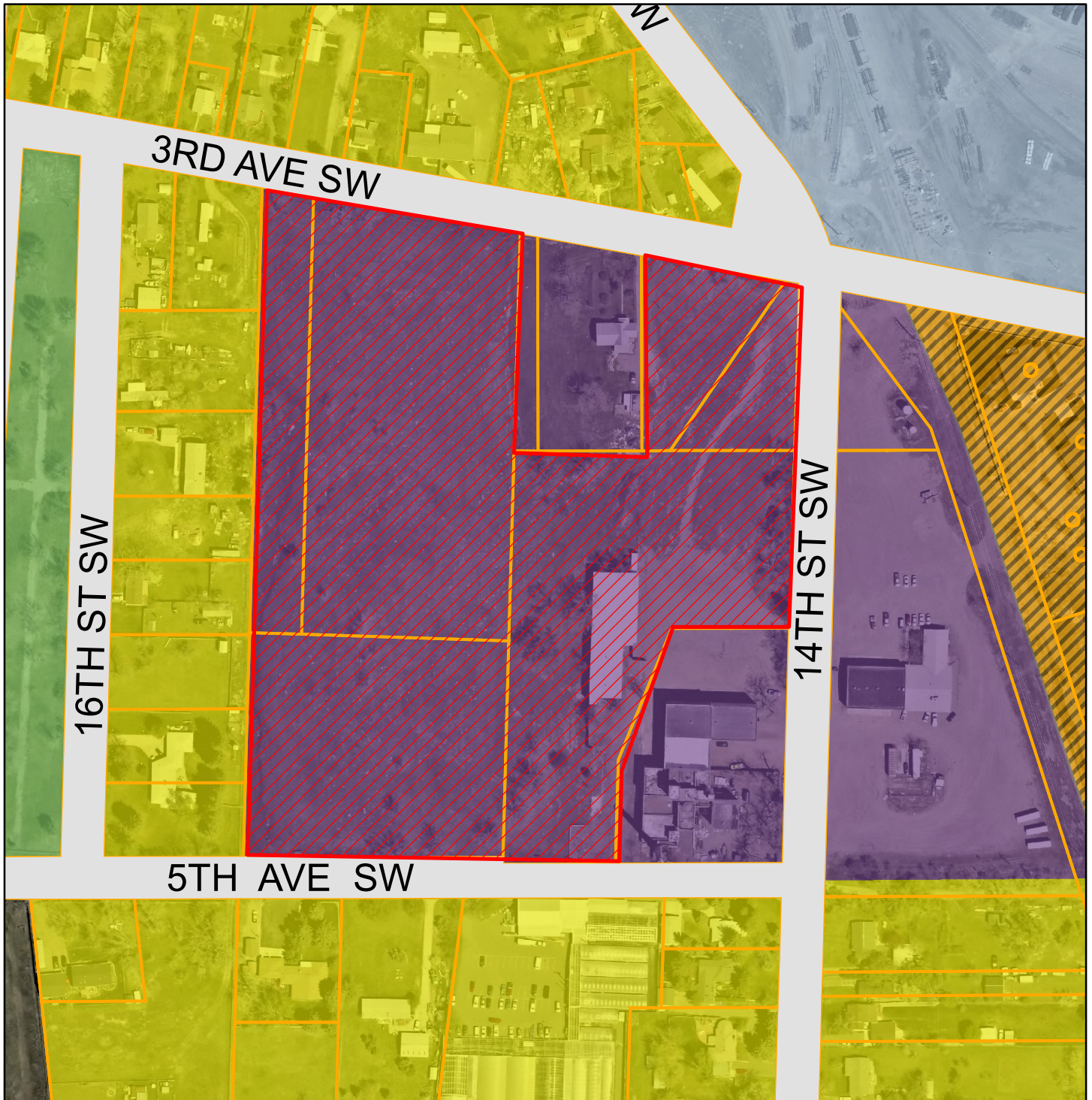
# AERIAL MAP



 13.2 Acres-Terrasces, LLC.


 Tracts of Land

# ZONING MAP



 R-1 Single-family Suburban

 13.2 Acres-Terrasces, LLC.

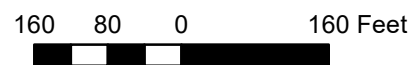
 PUD Planned Unit Development

 Tracts of Land

 M-2 Mixed-use Transitional

 I-1 Light Industrial

 I-2 Heavy Industrial





14TH STREET SW - AMERICAN AVENUE

### ZONING REQUIREMENTS

#### LEGAL DESCRIPTION:

AMERICAN BREWERY ADDITION, S10, T20 N, R03 E, AMERICAN BREWERY ALL BLK 1 AND COMMUNITY HALL LOTS 8-10, BLOCK 10 & LOTS 1 & 2, BLOCK 11

#### ZONING & LAND USE:

"M-2" - TRANSITIONAL	CONDITIONAL USE
PHASE 1 - CONTRACTOR YARD II	ALLOWABLE USE
PHASE 1 - "S-1" - STORAGE AREA	

#### PROPERTY ADDRESS:

410 4TH STREET SOUTHWEST

#### LOT ACREAGE:

TOTAL SITE AREA: 575,646 SF or 13.215 Acres

#### BUILDING SQ.FT.:

MAIN BUILDING	
LOWER LEVEL - PHASE 1	9,742 SF
UPPER LEVEL - PHASE 2 & 3	9,742 SF
TOTAL	19,484 SF

#### BUILDING COVERAGE.:

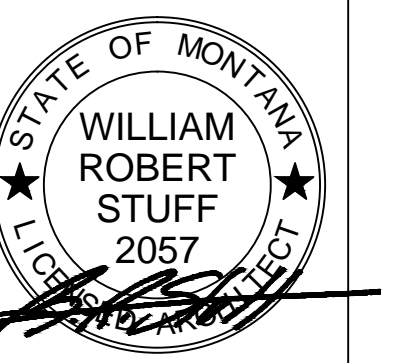
SHELL BUILDING: 13,017 SF divided by 575,646 SF = 0.0226 or 2.26 %

#### SETBACKS:

	EXISTING
NORTH SETBACK:	165' - 0"
EAST SETBACK:	27' - 0"
SOUTH SETBACK:	210' - 0"
WEST SETBACK:	412' - 0"

#### PARKING REQUIREMENTS:

LOWER LEVEL - "S-1" OCCUPANCY - CONTRACTOR STORAGE  
 PROVIDED: 5 PAVED STALLS



#### COPYRIGHT

ALL RIGHTS RESERVED  
 Drawings, specifications and other documents, including those in electronic form, prepared by the Architect and the Architect's consultants are instruments of Service for use solely with respect to this Project. The Architect and the Architect's consultants shall be deemed the authors and owners of their respective instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights.

TERRASCAPES INC.  
410 4TH STREET SOUTHWEST  
GREAT FALLS, MONTANA

### GENERAL NOTES

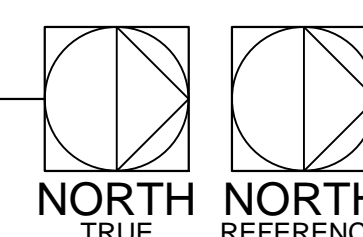
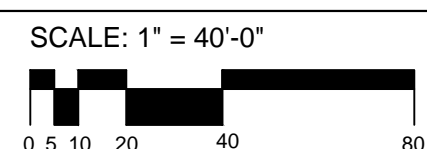
- ACTUAL FINISHED FLOOR OF PROPOSED BUILDING TO BE 100.0'
- SEE ALL DRAWINGS FOR INFORMATION RELATING TO SITE DEVELOPMENT, SITE GRADING, SITE UTILITIES, ASPHALT PAVING, CONCRETE CURBS & APRONS, CONCRETE DRIVES, AND CONCRETE SIDEWALKS, ETC.
- SEE MECHANICAL & ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION
- ALL CONCRETE CURB-CUTS, CURBS & APRONS, SIDEWALKS, AND DRIVES TO MEET THE MDT & CITY OF GREAT FALLS BUILDING STANDARDS.
- ALL FINAL PARKING LOT STRIPPING TO BE COORDINATED WITH OWNER PRIOR TO APPLICATION.
- SEE STRUCTURAL DRAWINGS & SPECIFICATIONS FOR CONTROL JOINT & EXPANSION JOINT LOCATIONS IN NEW CONCRETE SITE ELEMENTS.

Project Info.	
Project No.	17FAD13
Date	Oct. 25, 2017
Revisions	
Drawn By	WRS

Sheet Title
overall site plan

Sheet Number
A1.00

### OVERALL SITE PLAN - PHASE 1



410 14<sup>th</sup> St SW, TERRASCAPES

CONDITIONAL USE PERMIT - BASIS OF DECISION

February 13, 2018

The City of Great Falls has been petitioned to approve a Conditional Use Permit to allow for the establishment of a “Contractor Yard, Type II” land use upon the property legally described as Block 1, American Brewery Addition, Lots 8, 9, and 10, Block 10, and Lots 1 & 2, Block 11, Community Hall Addition, Great Falls, Cascade County, Montana (Subject Property). In order to approve said Permit, the Official Code of the City of Great Falls Section 17.16.36.040 requires demonstration that certain stated requirements have been satisfied. Therefore, this Basis of Decision has been prepared to analyze, determine and memorialize satisfaction of the required criteria.

1. The zoning and conditional use is consistent with the City’s Growth Policy and applicable neighborhood plans, if any.

Allowing for the redevelopment of the former metal salvage yard in an area of the city designated for a mix of uses will help stabilize the neighborhood and fulfill the following objectives from the City’s Growth Policy:

Phy 4.1 – Encourage a balanced mix of land uses through-out the City.

Phy 4.1.5 – Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City’s existing infrastructure.

Phy 4.3 – Optimize the efficiency and use of the City’s Public facilities and utilities.

Eco 3.5 - Continue efforts to support and develop small businesses in Great Falls.

2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The Conditional Use Permit would have no detrimental impact upon the health, safety, morals, comfort or general welfare of the community. Specifically, the redevelopment of the subject property will be improved by clean-up of the concrete rubble installation of boulevard trees, landscaping and parking lot improvements for building access. General welfare will be enhanced by both the property improvements being proposed as well as the new activity generated by a re-utilized building.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The land use designation of Mixed-Use Transitional supports the transition over time from a once-thriving industrial and large warehouse-type structures to a blend of light-industrial businesses, professional services, and other, compatible uses. The existing structure, a warehouse, is adaptable to other uses, such as the proposed business office and contractor yard.



The new use will require little or no exterior modification to the existing building. Site improvements, which include driveway, parking area and landscaping, will help buffer the contractor yard and support property values in the neighborhood. Furthermore, this conditional use would not adversely impact the use, enjoyment or property value of any property in the immediate vicinity. Vehicular access for the business vehicles will be primarily from 5<sup>th</sup> Ave SW, which is away from the residential properties and adjacent to the existing commercial and industrial use properties. Traffic on this roadway is minimal and will be minimally increased by the new business.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed project will not impede the normal and ordinary development and improvement of surrounding properties. Adjacent properties are already developed. Owners of properties within 150 feet have been notified about the proposal, and City staff has received no questions or comments regarding proposal specifics.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Adequate services and infrastructure already exist. Infrastructure is available adjacent to the property and adequately sized to accept the load from the redevelopment of the warehouse. Additional stormwater detention, drainage infrastructure, and water quality improvements are required for redevelopment of this property.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The project would generate little traffic, and will have no discernible impact upon the area road network. Existing driveway accesses is being moved and improved to facilitate the contractor yard. All heavy equipment traffic will be kept on site of the contractor yard except for transporting to client job sites. One or two customers per day will access the property from the parking stalls located within the property.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Site drainage, parking, ADA access, landscaping, lighting, and utility upgrades will be reviewed as plans for the redevelopment in conformance with all applicable Title 17 requirements.

## SITE PHOTOS



**Looking north from 5th Ave SW towards existing warehouse.**



**Looking west from 14th St SW towards existing warehouse.**



**Item:** Annexation of 23rd St S (COS #5135 - Lot 2A); 24th Ave S right-of-way adjoining Lot 4A of the Correction of an Amended Plat of Lot 4 of the Amended Plat of the Medical Tech Park Minor Subdivision and 24th Ave S right-of-way adjacent to Lot 2A of COS #5135; and final plat approval for a 5-lot subdivision

**From:** Troy Hangen, Planner II

**Initiated By:** NeighborWorks Great Falls and MT Rockcress 4%, LLP and MT Rockcress 9%, LLC

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

**Action Requested:** City Commission adopt Resolution 10232, and approve the final plat for the 5-lot subdivision of Lot 4A of the Correction of an Amended Plat of Lot 4 of the Amended Plat of the Medical Tech Park Minor Subdivision.

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times for each opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:**

Commissioner moves:

- I. "I move that the City Commission (adopt/deny) Resolution 10232 ."

Mayor requests a second to the motion, Commission discussion, and calls for the vote, and;

- II. "I move that the City Commission (approve/deny) the final plat of an Amended Plat of Lot 4A of the Correction of an Amended Plat of Lot 4 of the Amended Plat of the Medical Tech Park Minor Subdivision for Rockcress Commons, subject to the Applicant fulfilling the listed Conditions of Approval."

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

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**Staff Recommendation:**

Staff Recommends approval of the rights-of-way annexation and final plat for the Rockcress Commons project with conditions:

## **Conditions of Approval for Final Plat:**

- 1. General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- 2. Amended Plat.** Provide a revised Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
- 3. Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
- 4. Land Use & Zoning.** Development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation.
- 5. Improvement Agreement:** A final Annexation Improvement Agreement must be approved by the City Commission and recorded prior to recording of the final subdivision plat.

## **Summary:**

### Annexation Summary:

The annexation will allow property bordering the eastern and southern edges of the recently approved Rockcross Commons project to become dedicated City rights-of-way to serve the project, as well as the City's larger transportation network. The eastern area equates to +/- 0.825 acres and will facilitate construction and dedication of 23rd Street South. The southern area is +/- 1.15 acres and already encompasses 24th Avenue South.

The annexation of 24th Avenue South is required by Title 17 of the Official City Code of Great Falls (OCCGF) and Montana Code Annotated (MCA) 7-2-4211 which states:

"the municipality shall include: (2) the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed."

### Final Plat Summary:

The final plat of Rockcross Commons shall run concurrently with the approval of the adjoining rights-of-way annexation. The plat contains five lots, two of which will be designated for parking. A total of 124 multifamily units in seven total buildings are proposed on the lots ranging from 0.709 - 2.862 acres. The buildings range from 8 to 24 units. The proposed final plat shows all required utility and stormwater drainage easements. Additionally, a financial guarantee for all public improvements has been provided to the City.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, final plat, applicable environmental assessment, public hearing, City Commission recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. The governing body shall issue written findings of fact that weigh the criteria in of 76-3-608 (3) MCA, which are attached as Findings of Fact – Subdivision.

Public Notice for the City Commission Public Hearing for the rights-of-way annexation was published

in the Great Falls Tribune on March 4, 2018.

At the conclusion of a public hearing held on February 27, 2018, the Planning Advisory Board recommended approval of the final amended plat and annexation request. To date, Staff has not received any phone calls or comments expressing concerns about the annexation and final plat proposal.

**Background:**

Background for the Annexation area:

The proposed areas for annexation were unintentionally overlooked in the recently approved annexation for the Rockcross Commons project. It is now necessary to annex the rights-of-way in accordance with OCCGF Title 17 and MCA 7-2-4211. Within these annexed rights-of-way, the developer will construct and extend all required City utilities as well as public streets constructed to meet City standards. Full civil plans for all infrastructure have been submitted to the City and are under review. All of the proposed annexation commitments for the Rockcross Commons project have been noted in a draft Annexation Improvement Agreement that was previously provided to the City Commission when the development parcel was considered for annexation in December. A final version of the agreement is still required and will likely be considered by the City Commission at its next meeting. Findings in support of the roadway annexation are provided in the packet material as an attachment to the agenda report.

Background for the Final Plat:

The proposed parcel to be subdivided into five lots was part of a much larger 29.4 acre property subdivided within the County last year. Once the property was subdivided, the second step in the process was for the applicant to gain approval for annexation of the development parcel, assignment of City zoning, and preliminary plat approval to divide the apartment development site into five parcels. This action was approved by City Commission on December 5, 2017.

After City Commission approval, final site plans and building elevations were developed by the applicant and recently approved by the City's Design Review Board on February 12, 2018. The contractor has filed for building permits and submitted all civil site plans for Public Works and Department of Environmental Quality review. However, the project cannot be initiated until the final subdivision plat has been approved.

**Public Improvements Required for the Final Plat:**

Streets, Sidewalks and Boulevards: Boulevard style sidewalks and trees will be installed along all public streets bordering the development site. The exception would be that only boulevard trees will be installed on the north side of 24th Avenue South because of the current shared use path that was previously installed. As noted previously, the developer will be responsible for installing three new public streets. As a result of a private agreement between the developer and the adjacent property owner to the east, the owner to the east will not be required to reimburse the developer for half the construction cost of 23rd Street South.

Utilities: The developer is responsible for the installation of all public utilities in order to serve the proposed subdivision as well as plan for the potential development needs of the larger adjoining area. The on-site improvements required for development of the subject property shall be installed as shown on the final construction plans that have just been submitted to the Public Works Department. Anticipated utility services include the following:

Water: Looped and over-sized water main installation to accommodate domestic water service, fire flows, and adjoining property development needs.

Sewer: Installation of sewer main service on 23rd Street South and 23rd Avenue South that will connect to an existing sewer main to the north and stub potential service for further development to the west.

Stormwater Management: The applicant has been informed that there are existing limitations present in the City's downstream stormwater infrastructure. Because of concern about downstream storage capacity for both this project and surrounding potential development, the applicant will install an upsized stormwater pipe underneath 23rd Street South rather than use the undersized 15 inch diameter pipe that currently conveys stormwater. The City Utilities Department will cover the cost of oversizing the pipe.

**Fiscal Impact:**

The cost of constructing infrastructure improvements will be borne by the Owner. The City Public Works Department will reimburse the owner for any over-sizing of utility mains. Specifically, both water and stormwater lines will be oversized. All fiscal responsibilities between owners, the City, and adjoining property owners are explicitly spelled out in an Annexation Improvement Agreement.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute. Such reasons would have to be detailed as alternative Findings of Fact.

**Concurrences:**

Representatives from the City's Public Works, Legal, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit approval process. In particular, the coordination over stormwater commitments between Public Works, Planning and Community Development, and the applicant has been extensive.

With regards to fire protection, the property being considered for final plat approval is only contiguous to the City limits on the parcel's north side. As a result, it does present challenges for police, fire, and emergency services. In the event of a fire or EMS call, the typical response to an incident on this parcel would come from City Fire Station #3 located at 3325 Central Avenue. According to the Fire Department, the current response time to this area is over the 4-minute response time that is the industry standard for service according to the National Fire Protection Association. There were questions expressed by the Fire Department during the annexation discussions for the proposal.

Mitigating measures that assist emergency services are the sprinkled buildings that will be constructed as well as the overall connectivity of the area to be platted. The development site will be bordered on both the east and south by public streets. Additionally, two new public streets within the project will be constructed as well as a requested paved fire access drive from 23rd Street South.

ATTACHMENTS:

- ▢ Resolution 10232
- ▢ Annexation Graphic
- ▢ Aerial Map - Road Annexation
- ▢ Findings of Fact Annexation
- ▢ Tract 2A -COS#5135
- ▢ Findings of Fact Subdivision
- ▢ Aerial Map - Final Plat
- ▢ Final Plat
- ▢ Zoning Map
- ▢ Site Plan of Rockcress Commons

**RESOLUTION 10232**

**A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE TRACT 2 OF COS 5135, LOCATED IN THE S1/2 SE1/4 SE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, PMM, CASCADE COUNTY, MONTANA, AND THE RIGHT-OF-WAY OF 24<sup>TH</sup> AVENUE SOUTH ABUTTING THE AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, AND THE RIGHT-OF-WAY OF 24<sup>TH</sup> AVENUE SOUTH ABUTTING TRACT 2 OF COS 5135, IN ACCORDANCE WITH THE PROVISIONS OF MONT. CODE ANN. §§ 7-2-4601 AND 7-2-4211.**

\* \* \* \* \*

**WHEREAS**, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and

**WHEREAS**, there is contiguous to said City, but without the boundaries thereof, a certain tract of land and rights-of-way situated in the County of Cascade, State of Montana, and described as follows:

Tract 2 of COS 5135, located in the S1/2 SE1/4 SE1/4 of Section 18, Township 20 North, Range 4 East, PMM, Cascade County, Montana; and,

the right-of-way of 24<sup>th</sup> Avenue South abutting the Amended Plat of Lot 4A of the Correction of an Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision; and,

the right-of-way of 24<sup>th</sup> Avenue South abutting Tract 2 of COS 5135,

all as shown on the map attached hereto marked Attachment "A", and by this reference made a part hereof; and



**WHEREAS**, Mont. Code Ann. § 7-2-4601 provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and

**WHEREAS**, the owner of the hereinabove described property, representing 50% or more of the total area, has submitted a petition to have the subject property annexed to the City of Great Falls; and

**WHEREAS**, Mont. Code Ann. § 7-2-4211(2) provides that whenever a property owner petitions to annex to a municipality, the municipality shall include the full width of any public streets or roads, including the rights-of-way, that are adjacent to the property being annexed; and

**WHEREAS**, at the conclusion of a public hearing on February 27, 2018, the Planning Advisory Board recommended that the City Commission adopt a resolution to annex the subject properties; and

**WHEREAS**, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said property into the City of Great Falls; and

**WHEREAS**, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46, Annexation by Petition, and all conditions, acts, and actions required to be performed precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be, and the same are hereby extended so as to embrace and include within the corporate limits of said city, all of the land hereinabove described, included as: "Tract 2 of COS 5135, located in the S1/2 SE1/4 SE1/4 of Section 18, Township 20 North, Range 4 East, PMM, Cascade County, Montana; and, the right-of-way of 24th Avenue South abutting the Amended Plat of Lot 4A of the Correction of an Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision; and, the right-of-way of 24th Avenue South abutting Tract 2 of COS 5135," as shown on Attachment "A."

**BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate boundaries of the City of Great Falls, Montana, to include said tract of land and rights-of-way; and

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 20th day of March, 2018.

---

Bob Kelly, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

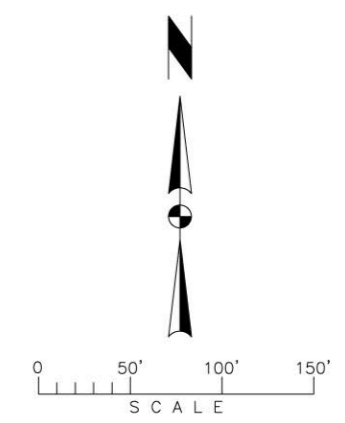
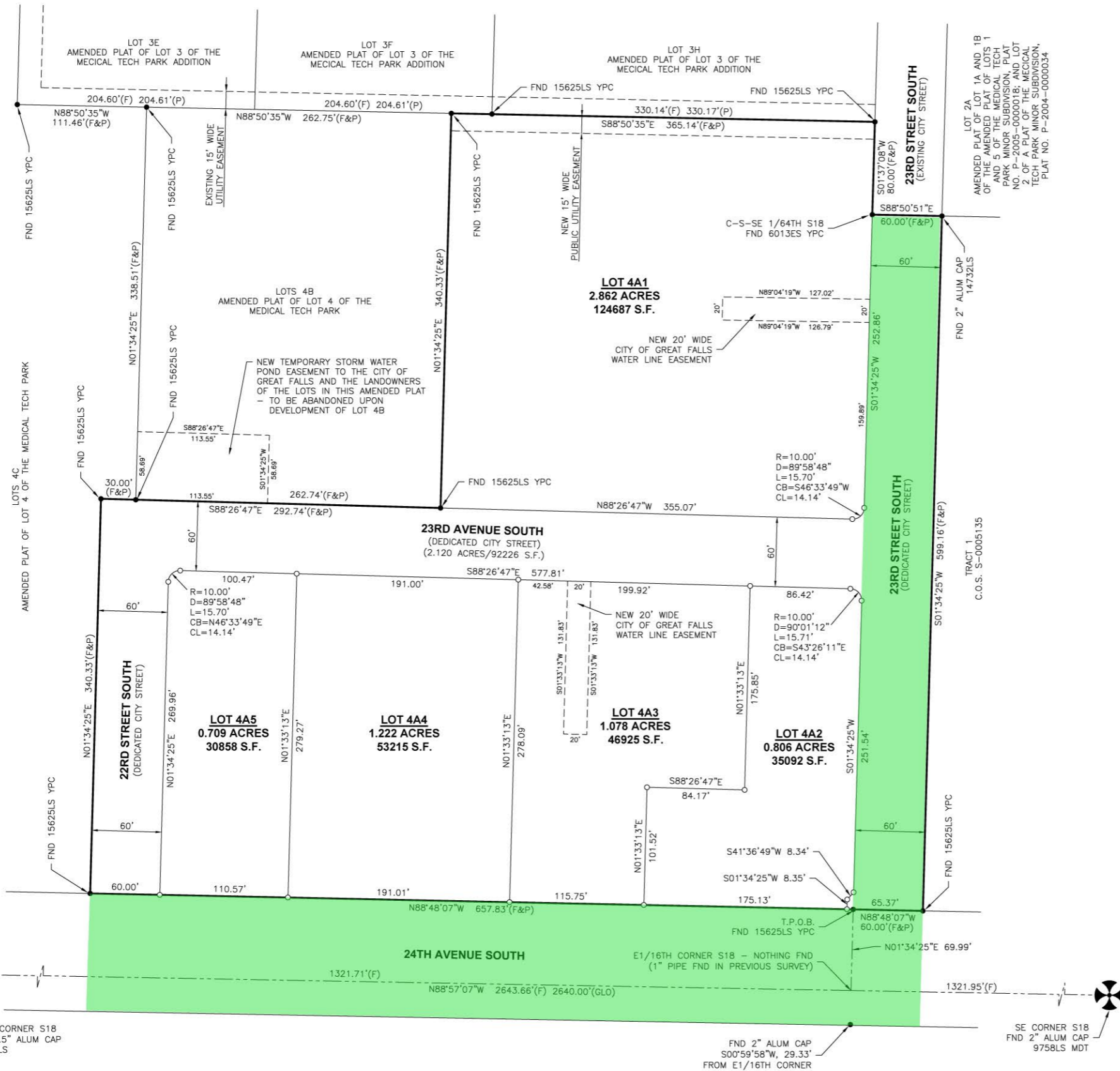
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Sara R. Sexe, City Attorney

# AN AMENDED PLAT OF LOT 4A OF THE AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF CERTIFICATE OF SURVEY NO. S-0005135

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNERS: MT ROCKCRESS 4% LLLP  
MT ROCKCRESS 9% LLLP  
P & E LLC



- LEGEND**
- SECTION CORNER - FOUND
  - QUARTER CORNER - FOUND
  - FND PROPERTY PIN - AS NOTED
  - SET PROPERTY PIN - 18"x5/8" REBAR/YPC 15625LS
  - SUBDIVISION BOUNDARY
  - SECTION LINE
  - EXISTING EASEMENT BY PLAT OR DOC.
  - NEW EASEMENT THIS PLAT
  - LOT LINE
  - (F) FOUND/FIELD MEASUREMENT
  - (P) PLAT RECORD DISTANCE
  - (GLO) GLO RECORD DISTANCE

AREA OF LOTS = 6.677 ACRES  
 AREA OF PARK = 0 ACRES  
 AREA OF DEDICATED ROADS = 2.120 ACRES  
 TOTAL SUBDIVISION AREA = 8.797 ACRES

## Attachment "A"

	DRAWN BY: DRK	DATE: 2-2-18	QUALITY CHECK: X
	SURVEYED BY: KFV	JOB NO. 16-187	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY			
MONTANA WASHINGTON IDAHO NORTH DAKOTA			

# AERIAL MAP

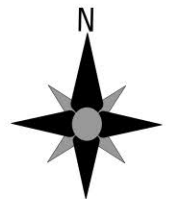


 SUBJECT PROPERTY

 TRACTS OF LAND

 CITY LIMITS

Not To Scale



## FINDINGS OF FACT – ANNEXATION

### PRIMARY REVIEW CRITERIA:

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

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

The properties being proposed to be annexed and dedicated as 24<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South are contiguous to the Rockcross Commons property that has just been annexed into the existing City limits.

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

The proposed street annexations are consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The annexation is supported by the following Goals:

- Soc 1.4.12      When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.
- Phy 4.4            Increase mobility and the access of citizens to transportation alternatives throughout the City.

**3. The proposed annexation is consistent with applicable 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 right of ways will be located in Neighborhood Council #5. The Council has previously voted in favor of the Rockcross Commons project.

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

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan. The annexation is consistent with the goals and purpose of the Plan through the extension of 23<sup>rd</sup> Street South.

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

The subject property is proposed to be public right-of-way which will aid the city to provide public services to the proposed subdivision on the property annexed to the north.

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

As noted in Criterion #5, all roadway, utility, and stormwater infrastructure will be required to meet City standards.

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

An Improvement Agreement has been drafted outlining the responsibilities and proportionate shares of costs for the various improvements to bring the subject property to City standards.

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

The eastern subject property has been created as Tract 2 of COS #5135 and recorded with the County Clerk and Recorder. The southern subject property will be the ROW abutting the amended plat of Lot 4 from the western side of Lot 4 to the eastern edge of Tract 2 of COS #5135.

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

Public improvements for City water and City sewer services have been addressed and will be installed in the proposed right-of-way.

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

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

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

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

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

The subject property is not used for the uses listed above.

# CERTIFICATE OF SURVEY #5135

## A TRACT OF LAND BEING THE S1/2SE1/4SE1/4 OF SECTION 18, LESS STREET RIGHTS-OF-WAY, LOCATED IN T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

LAND OWNER AT TIME OF SURVEY: P & E LLC

### LEGAL DESCRIPTION - TRACT 1

A tract of land located in the S1/2SE1/4SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 18; thence North 88°57'07" West along the Southerly line of said Section 18, a distance of 1321.95 feet to the East Sixteenth corner of said Section 18; thence North 01°34'25" East along the East Sixteenth line of said Section 18, a distance of 69.99 feet to a point on the Northerly right-of-way line of 24th Avenue South and being the Southeast corner of Lot 4 of the Medical Tech Park Minor Subdivision; thence South 88°48'07" East along said Northerly right-of-way line, a distance of 60.00 feet to the True Point of Beginning; thence North 01°34'25" East, a distance of 599.16 feet to the Southwest corner of Lot 2A of the Amended Plat of Lot 1A and 1B of the Amended Plat of Lots 1 and 5 of the Medical Tech Park Minor Subdivision, Plat No. P-2005-0000018; and Lot 2 of a Plat of the Medical Tech Park Minor Subdivision, Plat No. P-2004-0000034; thence South 88°50'51" East along the Southerly line of said Lot 2A and the Southerly line of Lot 2B of said Amended Plat, a distance of 1182.15 feet to a point on the Westerly right-of-way line of 26th Street South; thence South 01°35'35" West along said Westerly right-of-way line, a distance of 600.73 feet to said Northerly right-of-way line of 24th Avenue South; thence South 56°34'27" West along said Northerly right-of-way line, a distance of 58.59 feet; thence North 88°19'56" West along said Northerly right-of-way line, a distance of 89.49 feet; thence North 84°29'33" West along said Northerly right-of-way line, a distance of 441.66 feet; thence North 88°48'07" West along said Northerly right-of-way line, a distance of 603.84 feet to the True Point of Beginning and containing 16.527 acres.

### LEGAL DESCRIPTION - TRACT 2 (RIGHTS-OF-WAY)

A tract of land located in the S1/2SE1/4SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 18; thence North 88°57'07" West along the Southerly line of said Section 18, a distance of 1321.95 feet to the East Sixteenth corner of said Section 18; thence North 01°34'25" East along the East Sixteenth line of said Section 18, a distance of 69.99 feet to the True Point of Beginning, being a point on the Northerly right-of-way line of 24th Avenue South and the Southeast corner of Lot 4 of the Medical Tech Park Minor Subdivision; thence North 01°34'25" East along the Easterly line of said Lot 4, a distance of 599.11 feet to the Southwest corner of the 23rd Street South right-of-way; thence South 88°50'51" East along the Southerly right-of-way line of 23rd Street South, a distance of 60.00 feet to the Southeast corner of said 23rd Street South right-of-way, also being the Southwest corner of Lot 2A of the Amended Plat of Lot 1A and 1B of the Amended Plat of Lots 1 and 5 of the Medical Tech Park Minor Subdivision, Plat No. P-2005-0000018; and Lot 2 of a Plat of the Medical Tech Park Minor Subdivision, Plat No. P-2004-0000034; thence South 01°34'25" West, a distance of 599.16 feet to a point on the Northerly right-of-way line of 24th Avenue South; thence North 88°48'07" West along said Northerly right-of-way line, a distance of 60.00 feet to the True Point of Beginning and containing 0.825 acres.

### CERTIFICATE OF EXEMPTION (CREATION OF RIGHTS-OF-WAY)

(We), the undersigned property owner(s), do hereby certify that this division of land is to create a rights-of-way (Tract 2). Therefore this division of land is exempt from subdivision review, pursuant to Section 76-3-201(1)(h) M.C.A., stating "(1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that: (h) is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of this chapter".

### CERTIFICATE OF EXCLUSION

(We), the undersigned property owner(s), further certify that this survey is excluded from the Montana Sanitation in Subdivisions Act, pursuant to Section 76-4-125(2)(a) M.C.A., stating "(2) A subdivision excluded from the provisions of chapter 3 must be submitted for review according to the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review: (a) the exclusion cited in 76-3-201".

### CERTIFICATE OF CONSENT

(We), the undersigned property owner(s), do hereby certify that we have caused to be surveyed and platted into tracts as shown on the within described Certificate of Survey:

Dated this 29 day of JAN, A.D., 2018

Printed Name Gary Ehlers  
State of Montana )  
                          : ss  
County of Cascade)

On this 29 day of January, 2018 before me, Karen Nebel, the undersigned, a Notary Public for the State of Montana, personally appeared, Gary Ehlers, known to me to be the person who executed the Certificate of Consent. IN WITNESS WHEREOF, 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  
Residing at Great Falls, Montana  
My commission expires 1-31-2021

### CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that I supervised this survey and platted same as shown on the accompanying Certificate of Survey and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this 16th day of November, A.D., 2017

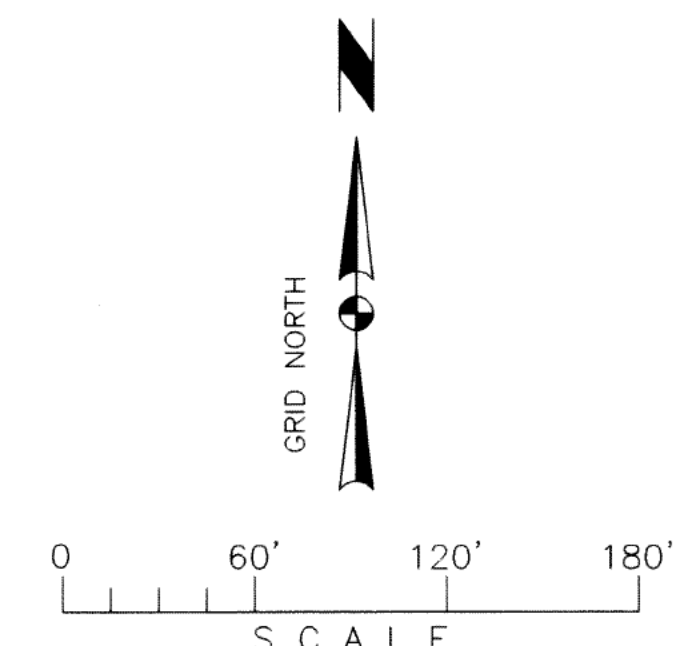
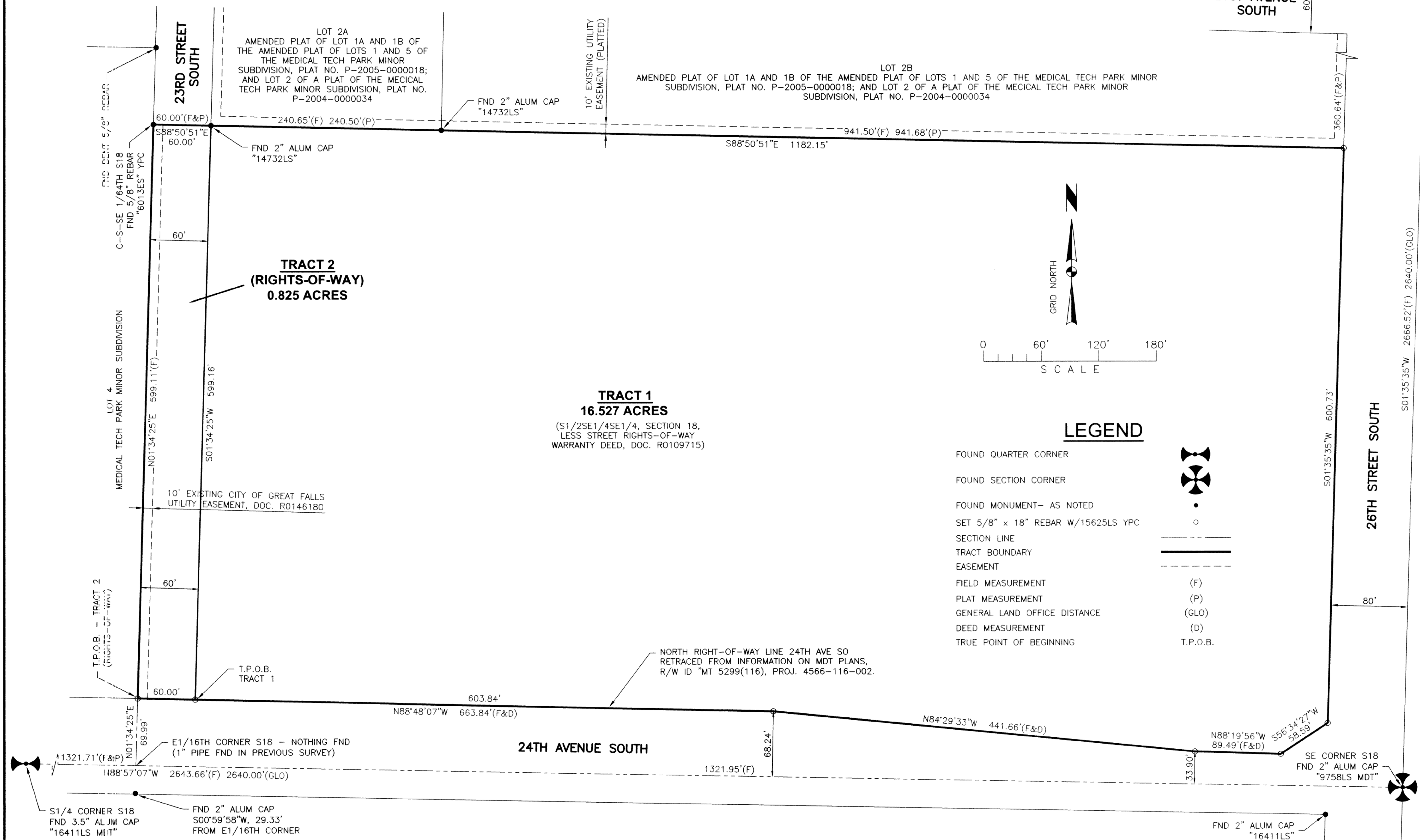
Daniel R. Kenczka, Montana Reg. No. 15625LS

### CERTIFICATE OF COUNTY TREASURER

I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying Certificate of Survey and find that taxes are not delinquent.

Dated this 21st day of November, A.D., 2017

County Treasurer, Cascade County, Montana  
Jamie Bailey, Deputy



### LEGEND

FOUND QUARTER CORNER	
FOUND SECTION CORNER	
FOUND MONUMENT - AS NOTED	
SET 5/8" x 18" REBAR W/15625LS YPC	
SECTION LINE	
TRACT BOUNDARY	
EASEMENT	
FIELD MEASUREMENT	(F)
PLAT MEASUREMENT	(P)
GENERAL LAND OFFICE DISTANCE	(GLO)
DEED MEASUREMENT	(D)
TRUE POINT OF BEGINNING	T.P.O.B.

CITY-COUNTY HEALTH DEPT  
Great Falls, Montana  
Exempt From Health Dept. Review  
Date: 11-22-2017  
By: \_\_\_\_\_

EXAMINED FOR COMPLIANCE WITH  
SUBDIVISION & PLATTING ACT  
TREASURER'S STAMP YES X NO \_\_\_\_\_  
DATE 11-27-2017  
BY \_\_\_\_\_  
CASCADE COUNTY PLANNING DIVISION

PURPOSE OF SURVEY:  
1. TO CREATE A TRACT FOR CITY OF GREAT FALLS PUBLIC RIGHT-OF-WAY.  
BASIS OF BEARING:  
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS

R0350751 CV  
R0349357

S-0005135 CS  
Total Pages: 2 of 20. By: shanson 01/30/2018 09:20:55 am  
Cascade County, Kings Fl. Moore - Clerk & Recorder

DRAWN BY: DRK	DATE: 8-30-17	QUALITY CHECK: X
SURVEYED BY: KFV	JOB NO. 16-187	FIELDBOOK: X

GREAT FALLS-BOZEMAN-KALISPELL-SHELBY  
MONTANA  
SPokane WASHINGTON  
LEWISTON IDAHO  
WATFORD CITY NORTH DAKOTA

**TD&H**  
Engineering

## FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

### PRIMARY REVIEW CRITERIA:

**Effect on Agriculture and Agricultural Water User Facilities:** The parcel to be subdivided is not currently being used for agricultural purposes, although it has been farmed in the past. The property has already been approved for annexation and development rather than set aside as a water and agricultural resource.

**Effect on Local Services:** As noted in the original annexation for the Rockcross Commons project, the development site is outside the 4-minute response area for Station #3. On the positive side, all the buildings will be sprinkled to current code. Emergency access on 23<sup>rd</sup> Street South is also being incorporated into the design to address Fire Department accessibility. The developer has committed to constructing upsized stormwater infrastructure under 23<sup>rd</sup> Street South so that existing stormwater facilities will not be compromised.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. No environmental constraints have been found on the property.

**Effect on Wildlife and Wildlife Habitat:** This is not in an area of significant wildlife habitat beyond occasional migrating fowl, deer and ground animals. There are no wooded areas or water resources that provide important habitats.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. As noted above, the buildings will be sprinkled and an additional emergency access for fire apparatus has been incorporated at the Fire Department's request.

### REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

### EASEMENT FOR UTILITIES

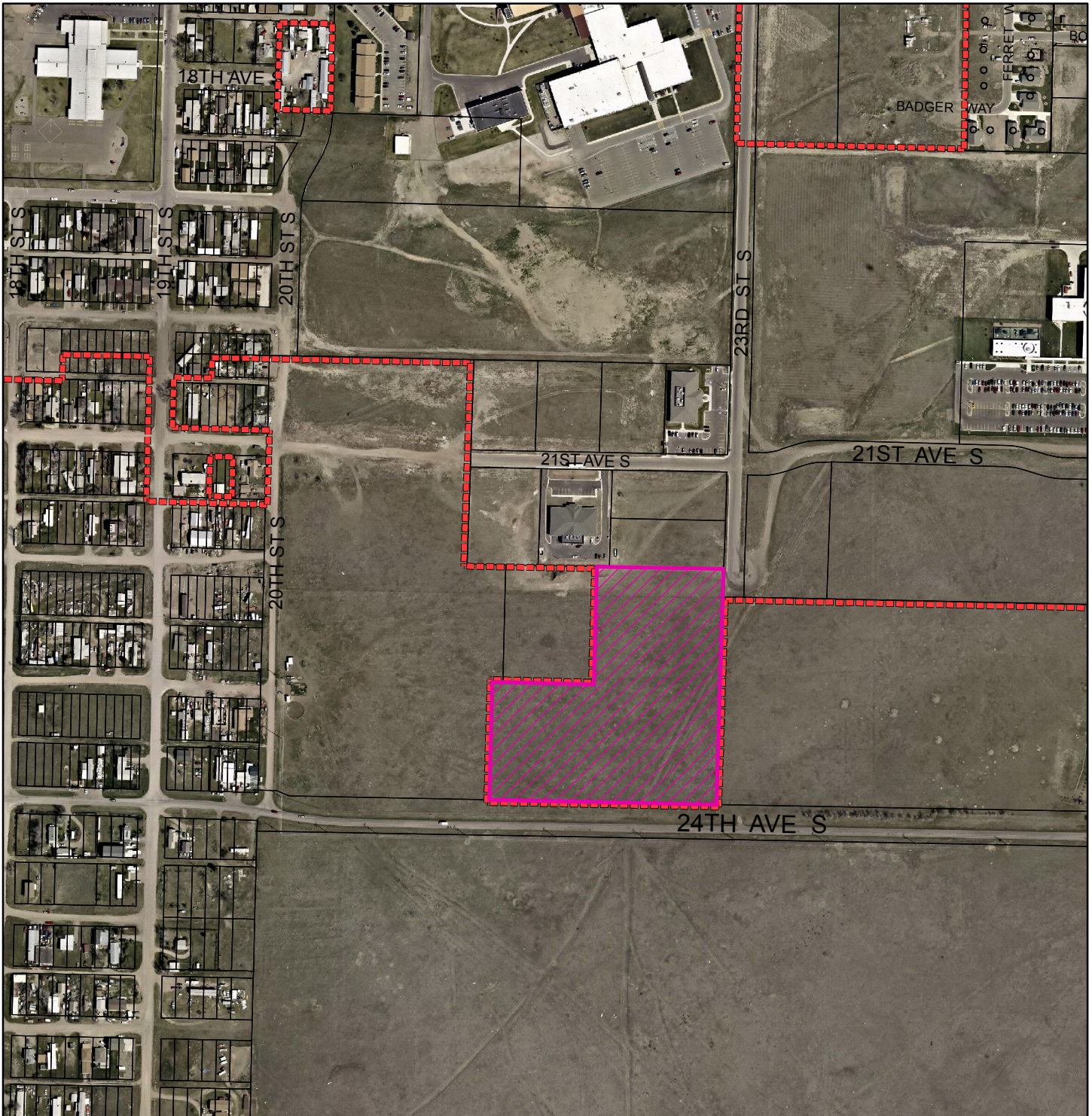
The developer shall provide necessary utility easements on the final plat to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.



**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed development will be from 24<sup>th</sup> Avenue South, an existing County roadway that will be annexed into the City and from the extension of 23<sup>rd</sup> Street South (also to be annexed). Full public street access has been planned for the subdivision.

# AERIAL MAP



 Subject Property

 City Limits

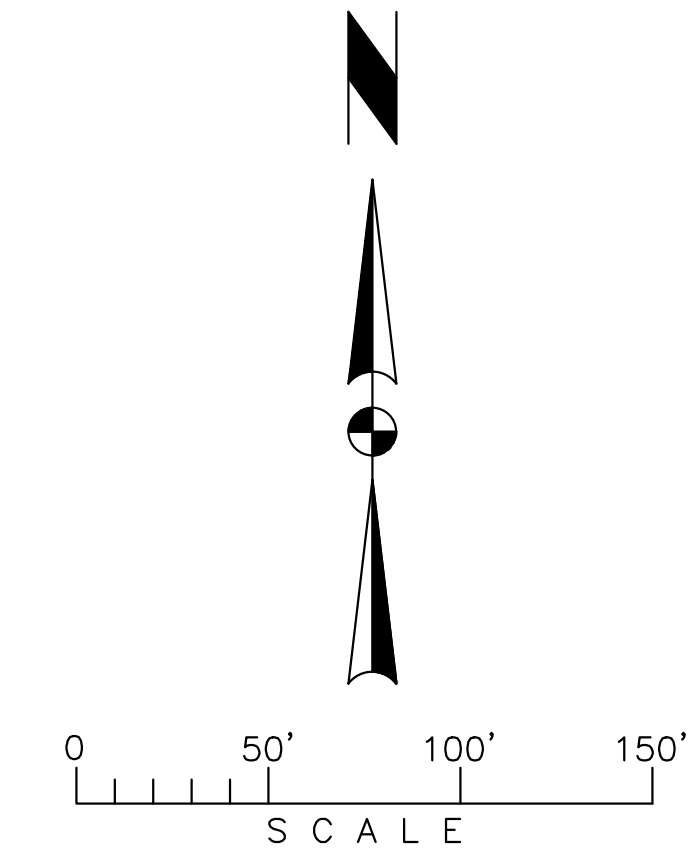
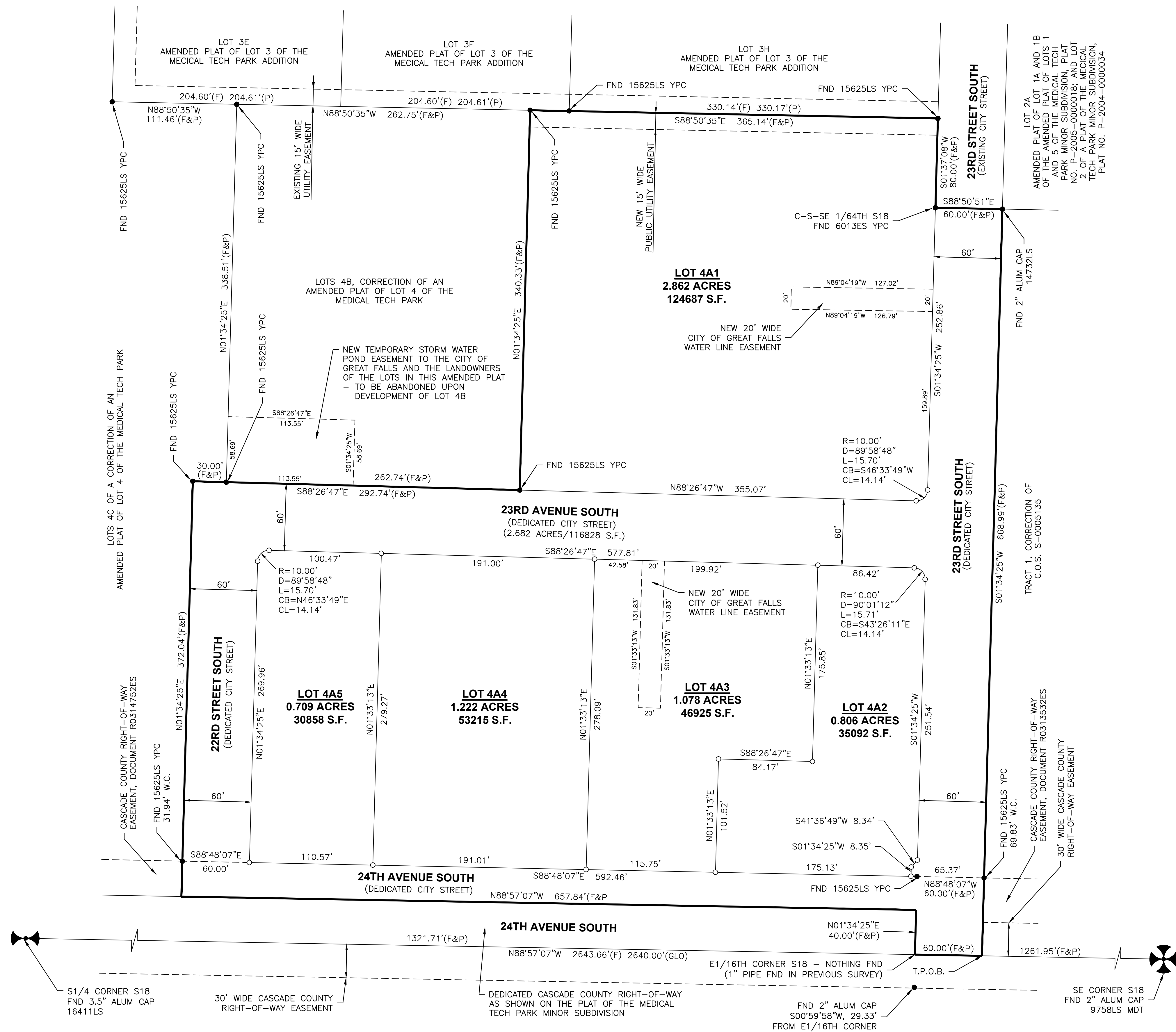
 Tracts of Land



# AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF A CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNERS: MT ROCKCRESS 4% LLLP  
MT ROCKCRESS 9% LLLP  
P & E LLC



### LEGEND

- SECTION CORNER - FOUND
- QUARTER CORNER - FOUND
- FND PROPERTY PIN - AS NOTED
- SET PROPERTY PIN - 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- SECTION LINE
- EXISTING EASEMENT BY PLAT OR DOC.
- NEW EASEMENT THIS PLAT
- LOT LINE
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- (GLO) GLO RECORD DISTANCE
- W.C. WITNESS CORNER

AREA OF LOTS = 6.677 ACRES  
 AREA OF PARK = 0 ACRES  
 AREA OF DEDICATED ROADS = 2.682 ACRES  
 TOTAL SUBDIVISION AREA = 9.359 ACRES

SHEET 1 OF 2

BASIS OF BEARING: MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS  
 PURPOSE OF SURVEY: TO CREATE 5 LOTS AND DEDICATE CITY STREETS FROM LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION & TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135

	DRAWN BY: DRK	DATE: 3-8-18	QUALITY CHECK: X
	SURVEYED BY: KJV	JOB NO. 16-187	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE WASHINGTON LEWISTON IDAHO WATFORD CITY NORTH DAKOTA			MONTANA WASHINGTON IDAHO NORTH DAKOTA

# AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF A CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135

A TRACT OF LAND LOCATED IN THE SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNERS: MT ROCKCRESS 4% LLLP  
MT ROCKCRESS 9% LLLP  
P & E LLC

CERTIFICATE OF DEDICATION

I(we), the undersigned property owner(s), do hereby certify that I(we) have caused to surveyed, subdivided, and platted into lots, blocks, streets, and easements, the following described tract of land in the City of Great Falls, Cascade County, Montana, to-wit:

A tract of land being Lot 4A of the Correction of An Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision and Tract 2 of the Correction of Certificate of Survey No. S-0005135, located in the SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 18; thence North 88°57'07" West along the Southerly line of said Section 18, a distance of 1261.95 feet to the Southeast corner of said Tract 2 and being the True Point of Beginning; thence North 88°57'07" West along said Southerly line, a distance of 60.00 feet to the East Sixteenth corner of said Section 18; thence North 01°34'25" East along the East Sixteenth line of said Section 18, a distance of 40.00 feet to the Southeast corner of said Lot 4A and the Northerly dedicated right-of-way line of 24th Avenue South; thence North 88°57'07" West along said Northerly dedicated right-of-way line, a distance of 657.84 feet to the Southwest corner of said Lot 4A; thence North 01°34'25" East along the Westerly boundary line of said Lot 4A, a distance of 372.04 feet; thence South 88°26'47" East along said Westerly boundary line, a distance of 292.74 feet; thence North 01°34'25" East along said Westerly boundary line, a distance of 340.33 feet to the Northwest corner of said Lot 4A; thence South 88°50'35" East along the Northerly boundary line of said Lot 4A, a distance of 365.14 feet to the Northeast corner of said Lot 4A and being a point on the Westerly right-of-way line of 23rd Street South; thence South 01°37'08" West along said Westerly right-of-way line, a distance of 80.00 feet to the Northwest corner of Tract 2 of the Correction of Certificate of Survey No. S-0005135; thence South 88°50'51" East along the Northerly boundary line of said Tract 2, a distance of 60.00 feet to the Northeast corner of said Tract 2; thence South 01°34'25" West along the Easterly boundary line of said Tract 2, a distance of 668.99 feet to the True Point of Beginning and containing 9.359 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135 to the City of Great Falls, Cascade County, Montana, and the lands included in all streets, avenues, and parks or public lands shown on said plat are hereby granted and donated to the use of the public forever.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

MT ROCKCRESS 4% LLLP

Printed Name \_\_\_\_\_

State of Montana )  
: ss  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
(Notarial Seal)  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

MT ROCKCRESS 9% LLLP

Printed Name \_\_\_\_\_

State of Montana )  
: ss  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
(Notarial Seal)  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

P & E LLC

Printed Name \_\_\_\_\_

State of Montana )  
: ss  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
(Notarial Seal)  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

LANDOWNER APPROVAL FOR NEW TEMPORARY EASEMENT IN LOT 4B

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

NEIGHBORHOOD HOUSING SERVICES, INC. OF GREAT FALLS  
dba NEIGHBORWORKS GREAT FALLS

Printed Name \_\_\_\_\_

State of Montana )  
: ss  
County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
(Notarial Seal)  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Jim Rearden, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135 and the survey it represents, find that same conforms to regulations governing the platting of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JIM REARDEN, Public Works Director  
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
GREGORY T. DOYON, City Manager  
City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, found that adequate municipal facilities for the supply of water and the disposal of sewage and solid waste, are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-125(2)(d) M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

\_\_\_\_\_  
GREGORY T. DOYON, City Manager  
City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, R. Nathan Weisenburger, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
R. NATHAN WEISENBURGER, President  
Great Falls Planning Board

\_\_\_\_\_  
CRAIG RAYMOND, Secretary  
Great Falls Planning Board

CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, Gregory T. Doyon, City Manager for the City of Great Falls, Montana, do certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, found and entered into the proceedings of said Body to wit: "Inasmuch as the dedication of park land within the platted area of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135 is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the City Commissioners that land dedicated for park purposes be waived and that cash in lieu of park be accepted as with the provisions of Title 76, Chapter 3, MCA"

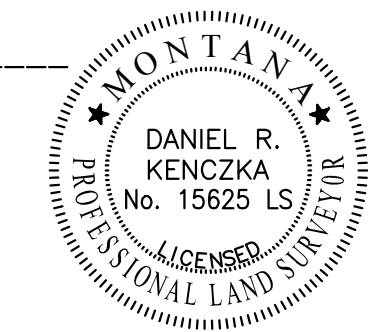
\_\_\_\_\_  
GREGORY T. DOYON, City Manager  
City of Great Falls, Montana

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that I supervised this Plat of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135, and platted same as shown on the accompanying plat and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_

\_\_\_\_\_  
Daniel R. Kenczka, Montana Reg. No. 15625LS



CERTIFICATE OF COUNTY TREASURER

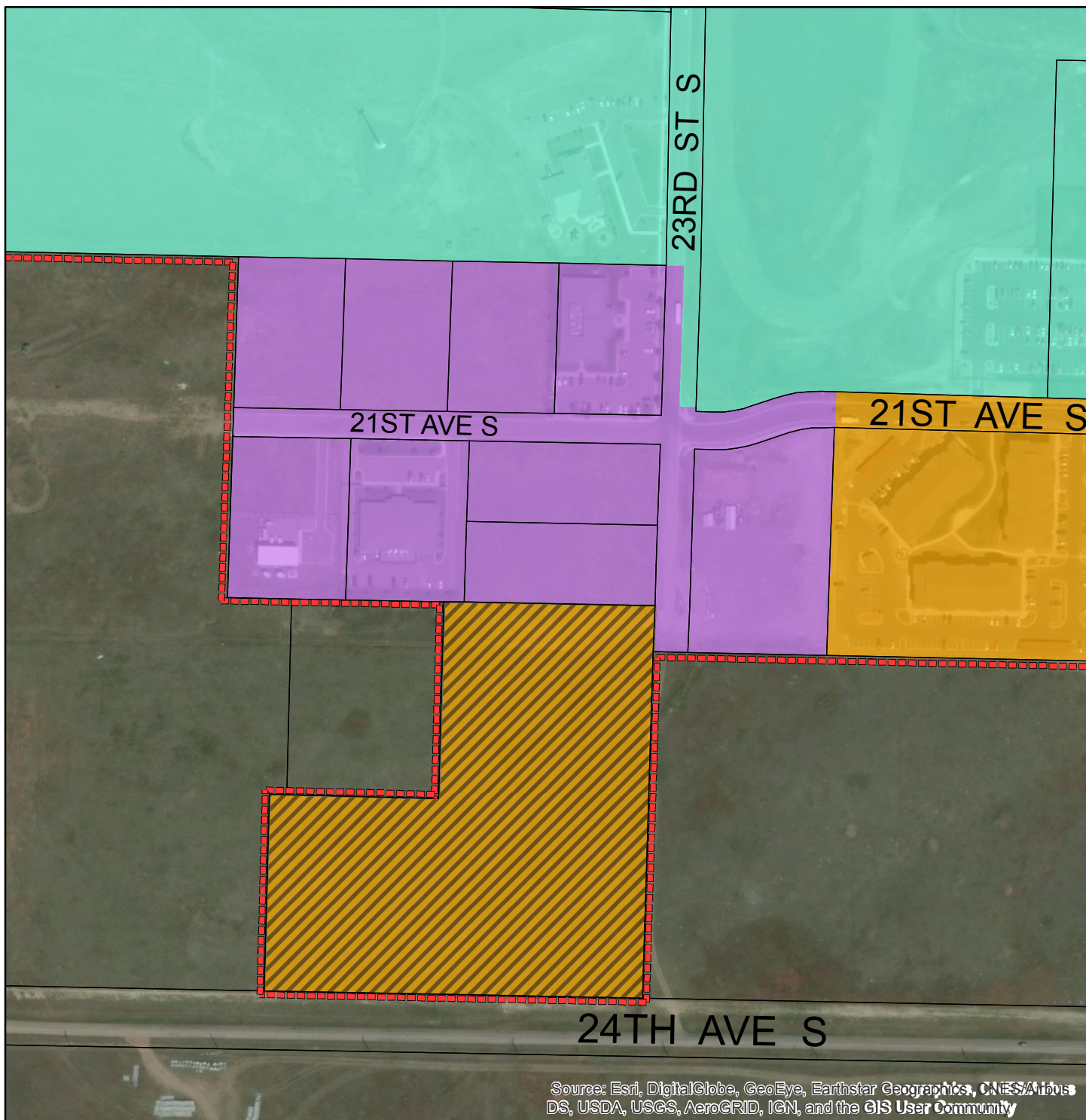
I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying plat of the AN AMENDED PLAT OF LOT 4A OF THE CORRECTION OF AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION, INCLUDING TRACT 2 OF THE CORRECTION OF CERTIFICATE OF SURVEY NO. S-0005135, and find that the current taxes are not delinquent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_

\_\_\_\_\_  
County Treasurer, Cascade County, Montana

SHEET 2 OF 2

# ZONING MAP

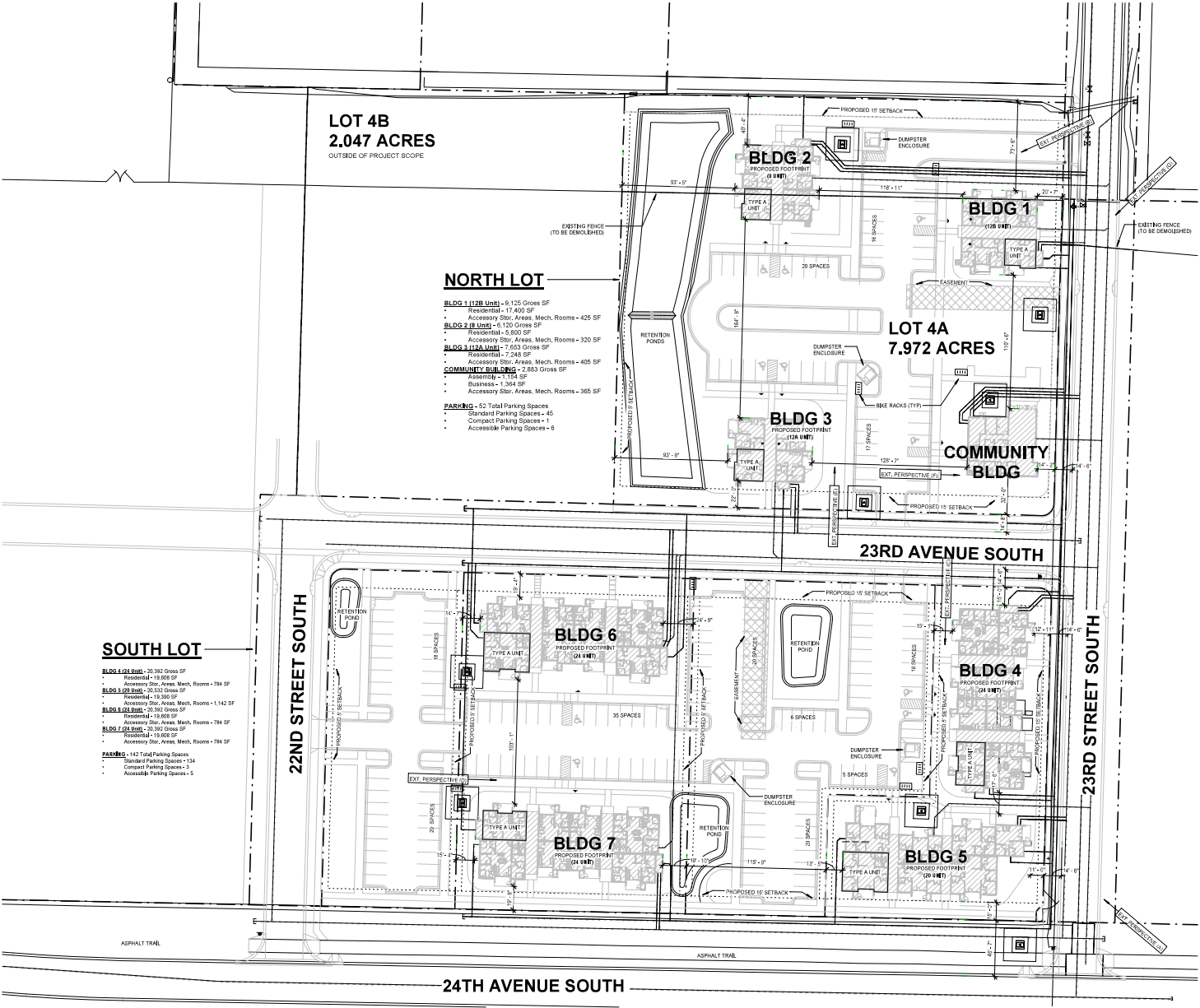


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- City Limits
- Tracts of Land
- R-6 Multi-family High Density
- PUD Planned Unit Development
- M-1 Mixed-use District
- PLI Public Lands and Institutional



C:\\_Revit Local Files\NWGS\SITE - Central - 01\_mmaask.rvt



**LOT 4B**  
2,047 ACRES  
OUTSIDE OF PROJECT SCOPE

**NORTH LOT**

- BLDG 1 (128 UNITS)** - 9,125 Gross SF
    - Residential - 17,400 SF
    - Accessory Stor. Areas, Mech. Rooms - 425 SF
  - BLDG 2 (8 UNITS)** - 6,120 Gross SF
    - Residential - 5,800 SF
    - Accessory Stor. Areas, Mech. Rooms - 320 SF
  - BLDG 3 (174 UNITS)** - 7,653 Gross SF
    - Residential - 7,248 SF
    - Accessory Stor. Areas, Mech. Rooms - 405 SF
  - COMMUNITY BUILDING** - 2,963 Gross SF
    - Assembly - 1,154 SF
    - Business - 1,354 SF
    - Accessory Stor. Areas, Mech. Rooms - 365 SF
- PARKING** - 52 Total Parking Spaces  
 Standard Parking Spaces - 45  
 Compact Parking Spaces - 1  
 Accessible Parking Spaces - 6

**SOUTH LOT**

- BLDG 4 (24 UNITS)** - 20,392 Gross SF
    - Residential - 18,888 SF
    - Accessory Stor. Areas, Mech. Rooms - 784 SF
  - BLDG 5 (24 UNITS)** - 20,392 Gross SF
    - Residential - 19,360 SF
    - Accessory Stor. Areas, Mech. Rooms - 784 SF
  - BLDG 6 (24 UNITS)** - 20,392 Gross SF
    - Residential - 19,888 SF
    - Accessory Stor. Areas, Mech. Rooms - 784 SF
  - BLDG 7 (24 UNITS)** - 20,392 Gross SF
    - Residential - 19,868 SF
    - Accessory Stor. Areas, Mech. Rooms - 784 SF
- PARKING** - 142 Total Parking Spaces  
 Standard Parking Spaces - 134  
 Compact Parking Spaces - 3  
 Accessible Parking Spaces - 5

**LINE TYPE LEGEND**

---	PROPERTY LINE
- - - -	SETBACK LINE
=====	FENCE
=====	SEWER LINE
=====	ELECTRICAL LINE
=====	GAS LINE
=====	FIRE SERVICE LINE
=====	WATER LINE
=====	COMMUNICATION LINE
=====	STORMWATER

1 ROCKCROSS COMMONS ARCHITECTURAL SITE PLAN  
 DRB1.1 1" = 40'-0"

**EXHIBIT 1**

<p><b>SITE DATA</b></p> <p>NORTH LOT = 124,687.95 SQ. FT. (2.86 ACRES)                  SOUTH LOT = 222,343.17 SQ. FT. (5.10 ACRES)                  COMMON OPEN SPACE = TBD SQ. FT. (TBD ACRES)                  COMBINED AREA LOTS NORTH &amp; SOUTH = 347,031.12 SQ. FT. (7.97 ACRES)</p>										
<p><b>PARKLAND EQUIVALENT</b></p> <p>TOTAL REQUIRED = TBD ACRES                  TOTAL PROVIDED WITH IMPROVEMENTS IN LIEU = TBD ACRES</p>										
<p><b>PARKING</b></p> <p><b>PARKING NORTH LOT</b>                  TOTAL DRIVEWAY CIRCULATION &amp; PARKING AREA = 31,014.14 SF (24% OF TOTAL SITE)                  TOTAL PARKING SPACES REQUIRED = 48 (INCLUDING 2 ACCESSIBLE SPACES)                  TOTAL PARKING SPACES PROVIDED = 52 (INCLUDING 6 ACCESSIBLE SPACES)                  TOTAL COMPACT SPACES = 1 (10% ALLOWED OF TOTAL SPACES PROVIDED)</p> <p><b>PARKING CALCULATIONS</b>                  32 BEDROOM UNITS x 1.5 SPACES/UNIT = 48 SPACES</p> <p><b>BIKE PARKING</b>                  TOTAL BIKE PARKING SPACES REQUIRED = 16 (1 SPACE PER 2 UNITS)                  TOTAL BIKE PARKING SPACES PROVIDED = 16</p> <p><b>PARKING SOUTH LOT</b>                  TOTAL DRIVEWAY CIRCULATION &amp; PARKING AREA = 54,035.74 SF (24% OF TOTAL SITE)                  TOTAL PARKING SPACES REQUIRED = 138 (INCLUDING 5 ACCESSIBLE SPACES)                  TOTAL PARKING SPACES PROVIDED = 142 (INCLUDING 5 ACCESSIBLE SPACES)                  TOTAL COMPACT SPACES = 3 (10% ALLOWED OF TOTAL SPACES PROVIDED)</p> <p><b>PARKING CALCULATIONS</b>                  92 BEDROOM UNITS x 1.5 SPACES/UNIT = 138 SPACES</p> <p><b>BIKE PARKING</b>                  TOTAL BIKE PARKING SPACES REQUIRED = 46 (1 SPACE PER 2 UNITS)                  TOTAL BIKE PARKING SPACES PROVIDED = 16</p>										
<p><b>NORTH LOT (ZONING: PUD)</b></p> <p>TOTAL LOT AREA = 124,688 SQ. FT.                  TOTAL BUILDING FOOTPRINT = 11,669 SQ. FT.                  TOTAL BUILDING AREA = 25,781 SQ. FT.                  PERCENT LOT COVERAGE = 34.2% (80% MAX. ALLOWED)                  DWELLING DENSITY (32 UNITS / 2.86 ACRES) = 11.2 UNITS/ACRE                  TOTAL LANDSCAPED AREA = 82,004 SQ. FT. 65.8% OF LOT (50% OF NET LOT AREA MIN.)</p> <table border="0"> <tr> <td><b>BUILDING 1</b></td> <td><b>BUILDING 2</b></td> </tr> <tr> <td>TOTAL DWELLING UNITS = 12</td> <td>TOTAL DWELLING UNITS = 8</td> </tr> <tr> <td>6 - 1 BEDROOMS</td> <td>4 - 1 BEDROOMS</td> </tr> <tr> <td>6 - 2 BEDROOMS</td> <td>4 - 2 BEDROOMS</td> </tr> </table> <p><b>BUILDING 3</b>                  TOTAL DWELLING UNITS = 12                  12 - 1 BEDROOMS</p>	<b>BUILDING 1</b>	<b>BUILDING 2</b>	TOTAL DWELLING UNITS = 12	TOTAL DWELLING UNITS = 8	6 - 1 BEDROOMS	4 - 1 BEDROOMS	6 - 2 BEDROOMS	4 - 2 BEDROOMS		
<b>BUILDING 1</b>	<b>BUILDING 2</b>									
TOTAL DWELLING UNITS = 12	TOTAL DWELLING UNITS = 8									
6 - 1 BEDROOMS	4 - 1 BEDROOMS									
6 - 2 BEDROOMS	4 - 2 BEDROOMS									
<p><b>SOUTH LOT (ZONING: PUD)</b></p> <p>TOTAL LOT AREA = 222,343 SQ. FT.                  TOTAL BUILDING FOOTPRINT = 27,431 SQ. FT.                  TOTAL BUILDING AREA = 91,708 SQ. FT.                  PERCENT LOT COVERAGE = 36.6% (70% ALLOWED)                  DWELLING DENSITY (92 UNITS / 5.10 ACRES) = 18 UNITS/ACRE                  TOTAL LANDSCAPED AREA = 140,876 FT. 63.4% OF LOT (50% OF NET LOT AREA MIN.)</p> <table border="0"> <tr> <td><b>BUILDING 4</b></td> <td><b>BUILDING 5</b></td> </tr> <tr> <td>TOTAL DWELLING UNITS = 24</td> <td>TOTAL DWELLING UNITS = 20</td> </tr> <tr> <td>12 - 1 BEDROOMS</td> <td>2 - 1 BEDROOMS</td> </tr> <tr> <td>6 - 2 BEDROOMS</td> <td>10 - 2 BEDROOMS</td> </tr> <tr> <td>6 - 3 BEDROOMS</td> <td>8 - 3 BEDROOMS</td> </tr> </table> <p><b>BUILDING 6</b>                  TOTAL DWELLING UNITS = 24                  12 - 1 BEDROOMS                  6 - 2 BEDROOMS                  6 - 3 BEDROOMS</p> <p><b>BUILDING 7</b>                  TOTAL DWELLING UNITS = 24                  12 - 1 BEDROOMS                  6 - 2 BEDROOMS                  6 - 3 BEDROOMS</p>	<b>BUILDING 4</b>	<b>BUILDING 5</b>	TOTAL DWELLING UNITS = 24	TOTAL DWELLING UNITS = 20	12 - 1 BEDROOMS	2 - 1 BEDROOMS	6 - 2 BEDROOMS	10 - 2 BEDROOMS	6 - 3 BEDROOMS	8 - 3 BEDROOMS
<b>BUILDING 4</b>	<b>BUILDING 5</b>									
TOTAL DWELLING UNITS = 24	TOTAL DWELLING UNITS = 20									
12 - 1 BEDROOMS	2 - 1 BEDROOMS									
6 - 2 BEDROOMS	10 - 2 BEDROOMS									
6 - 3 BEDROOMS	8 - 3 BEDROOMS									

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**interinsik**  
ARCHITECTURE  
INCORPORATED

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

Date	revisions
No. Description	address

TBD 24th AVE SOUTH  
 GREAT FALLS, MT  
 54905

**NWG**  
 ROCKCROSS  
 COMMONS

project code

**DRB1.1**  
 SITE PLAN  
 sheet

CD  
 2018-02-02



**Item:** Ordinance 3186, "An Ordinance Amending Title 3, Chapter 6, of The Official Code of The City of Great Falls (OCCGF) Pertaining To Sale of Unclaimed Personal Property."

**From:** City Attorney's Office

**Initiated By:** City Attorney's Office

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Adopt Ordinance 3186 on second reading.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/not adopt) Ordinance 3186."

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

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**Staff Recommendation:**

Staff recommends that the City Commission adopt Ordinance 3186.

**Background:**

The Ordinance under consideration amends OCCGF Title 3, Chapter 6, pertaining to the sale of unclaimed personal property in Great Falls Police Department (GFPD) custody. Beginning in 2016, staff began examining issues with an overcrowding of unclaimed personal property in GFPD custody. A vast majority of the property being held by the GFPD has little or no value, and it has never been claimed by a rightful owner. This property comes into GFPD custody by a number of different means. The property may be obtained as evidence as part of investigations or cases which have been concluded or resolved. The property alternatively in many instances has been delivered to the GFPD because members of the public have no other way of disposing of the property. The property sits in custody sometimes in perpetuity with no means of disposal, creating obvious storage issues.

This problem is not specific to the City of Great Falls. This problem exists in many of the larger municipal and county jurisdictions throughout the state. Prior to the 2017 Montana Legislative Session, there was no clear legislative criteria as to how law enforcement agencies could dispose of this type of property. The Great Falls City Attorney's office requested the Montana League of Cities and Towns

consider supporting legislative changes to the existing statutory scheme, to allow for alternative means of disposition of such property.

During the 2017 legislative session, the Montana League of Cities and Towns worked on legislation to establish criteria by which this type of property could be disposed. City Attorney Sara R. Sexe requested that Senator Edward Buttrey introduce Senate Bill (SB) 200; he agreed and it was passed and signed into law. City Commissioner Bill Bronson, Assistant City Attorney Joseph Cik, and GFPD Captain John Schaffer attended both House and Senate Judiciary Committee sessions and testified as proponents of the Bill.

SB 200 amended Mont. Code Ann. Title 7, Chapter 8, Part 1, pertaining to general provisions to local government. Mont. Code Ann. § 7-8-105 now states:

- (1) The legislative body of a local government may, by ordinance or resolution, provide for the care, restitution, sale, donation, return, or destruction of unclaimed tangible personal property that may come into the possession of a peace officer or a law enforcement entity of the local government for which state law does not otherwise provide a procedure for disposition.
  
- (2) At a minimum, the ordinance or resolution must provide:
  - (a) that unclaimed property valued at \$20 or more must be held by the local government for a period of at least 3 months;
  - (b) a process by which the local government shall attempt to notify the legal owner of unclaimed property held in its possession;
  - (c) a process by which the local government may allow a finder of unclaimed personal property to take possession of that property if it remains unclaimed;
  - (d) that unclaimed property will be destroyed as allowed or required by local, state, or federal law, returned to the finder, donated, or otherwise sold at public auction to the highest bidder;
  - (e) that, at least 10 days prior to the time fixed for the destruction, return, donation, or sale at public auction of unclaimed property, notice of the planned disposal must be given by publication one time in a newspaper of general circulation; and
  - (f) that, upon proof of legal ownership, the local government shall restore the unclaimed property to its legal owner.
  
- (3) After property has been destroyed, returned, donated, or sold at public auction, the property or the value of the property is not redeemable by the owner or another person entitled to possession.

*Id.*

Ordinance 3186 would amend the OCCGF to allow the GFPD to dispose of unclaimed property consistent with the criteria listed in the above cited statute. This amendment will help alleviate the backfill of the massive amount of unclaimed personal property in GFPD custody.

Ordinance 3186 was accepted on first reading unanimously by the four Commissioners present at the March 6, 2018 meeting. There was no public comment. Commissioner Houck inquired and was advised about the process of implementing the disposal of unclaimed property. Commissioner Moe inquired and was advised as to who makes the determination of the monetary value of unclaimed property. Commissioner Moe also inquired as to the amount of unclaimed personal property currently in GFPD custody.

Ord. 3186 Exhibit "A" is a document illustrating proposed changes as compared to the existing provisions. Exhibit "B" attached to this agenda report, illustrates the proposed Code provisions which would replace the current provisions in a clean format.

### **Fiscal Impact:**



None.

ATTACHMENTS:

- ▣ Ordinance 3186
- ▣ Ord. 3186 Exhibit "A"
- ▣ Ord. 3186 Exhibit "B"

**ORDINANCE 3186**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 6 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE SALE OF UNCLAIMED PERSONAL PROPERTY.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 3, Chapter 6, of the OCCGF outlining provisions pertaining to the sale of unclaimed personal property; and

**WHEREAS**, the City Commission wishes to provide a procedure for the disposal of unclaimed personal property held in Great Falls Police Department custody; and

**WHEREAS**, the City Commission wishes to establish said procedures consistent with currently enacted state law.

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

Section 1. Title 3, Chapter 6 of the OCCGF pertaining to the Sale of Unclaimed Personal Property, shall be amended as depicted in Exhibit "A" attached hereto, which removes any language identified by a ~~strikeout~~ and adds any language which is **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 6, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 20, 2018.

---

Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, 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 3186 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

## **Chapter 6 SALE OR DISPOSAL OF UNCLAIMED PERSONAL PROPERTY**

### **Sections:**

3.06.010 City to sell or dispose.

3.06.020 Notice of sale or disposal.

#### **3.06.010 City to sell or dispose.**

- A. All unclaimed, non-evidentiary personal property of a value more than twenty dollars (\$20.00), in the possession of the Great Falls Police Department (GFPD) and unclaimed by the owner thereof for a period of at least six (6) three (3) months, may be sold by the City at public auction for cash to the highest bidder or disposed of in any appropriate manner not in conflict with any federal, state, or local laws or regulations.**
- B. The GFPD shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of January, April, July, and October of each calendar year on the Great Falls City website.**
- C. A properly documented finder of unclaimed property that has been held in GFPD custody may take lawful possession of the property, in a manner not in conflict with any federal, state, or local laws and regulations, if the property remains unclaimed for a period of at least three (3) months.**
- D. Upon proof of legal ownership, the GFPD shall restore the unclaimed property to its legal owner.**

(Ord. 3186, 2018; Ord. 2731, 1997; Ord. 2652 (part), 1993; Prior code §6-7-1).

#### **3.06.020 Notice of sale or disposal.**

- A. If the subject property is to be sold at public auction or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations, or returned to a properly documented finder, notice of the time and place of the sale public auction or disposal shall be published not less than ten (10) calendar days prior to the date of the sale public auction or disposal.**
- B. Notice pursuant to this section shall be published in a newspaper of general circulation in the incorporated City limits, on the Great Falls Civic Center posting board, and on the Great Falls City website.**

(Ord. 3186, 2018; Ord. 2652 (part), 1993; Prior code §6-7-2).

Title 3 REVENUE AND FINANCE

**Chapter 6 SALE OR DISPOSAL OF UNCLAIMED PERSONAL PROPERTY**

**Sections:**

3.6.010 City to sell or dispose.

3.6.020 Notice of sale or disposal.

**3.6.010 City to sell or dispose.**

- A. All unclaimed, non-evidentiary personal property of a value more than twenty dollars (\$20.00), in the possession of the Great Falls Police Department (GFPD) for a period of at least three (3) months, may be sold by the City at public auction for cash to the highest bidder or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations.
- B. The GFPD shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of January, April, July, and October of each calendar year on the Great Falls City website.
- C. A properly documented finder of unclaimed property that has been held in GFPD custody may take lawful possession of the property, in a manner not in conflict with any federal, state, or local laws and regulations, if the property remains unclaimed for a period of at least three (3) months.
- D. Upon proof of legal ownership, the GFPD shall restore the unclaimed property to its legal owner.

(Ord. 3186, 2018; Ord. 2731, 1997; Ord. 2652 (part), 1993; Prior code §6-7-1).

**3.6.020 Notice of sale or disposal.**

- A. If the subject property is to be sold at public auction or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations, or returned to a properly documented finder, notice of the time and place of the public auction or disposal shall be published not less than ten (10) calendar days prior to the date of the public auction or disposal.
- B. Notice pursuant to this section shall be published in a newspaper of general circulation in the incorporated City limits, on the Great Falls Civic Center posting board, and on the Great Falls City website.

(Ord. 3186, 2018; Ord. 2652 (part), 1993; Prior code §6-7-2).