



**Item:** Public Hearing – Resolution 10033 to Annex, Ordinance 3111 to assign City Zoning, Annexation Agreement and the Final Plat all pertaining to West Ridge Addition, Phase VI, located in SE1/4 of Section 26, Township 21 North, Range 3 East, PMM, Cascade County, Montana

**From:** Jana Cooper, RLA, Planner II, Planning and Community Development

**Initiated By:** S & L Development, Property Owner and Developer

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

**Action Requested:** City Commission adopt Resolution 10033, Ordinance 3111, the Final Plat and Annexation Agreement all pertaining to West Ridge Addition, Phase VI.

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**Public Hearing:**

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

**Suggested Motions:** (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10033 and (approve/disapprove) the Final Plat and Annexation Agreement all pertaining to West Ridge Addition, Phase VI.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3111.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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**Recommendation:** At the conclusion of a public hearing held on April 9, 2013, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of West Ridge Addition, Phase VI, and the Zoning Commission approved assigning a zoning classification of R-3 Single-family high density district upon annexation to the City. During a meeting held May 7, 2013, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition, Phase VI, subject to fulfillment of the following conditions of approval:

1. The Final Plat of West Ridge Addition, Phase VI, shall incorporate correction of any errors or omissions noted by staff, including provision of a notification clause to purchasers regarding soil conditions.
2. The final engineering drawings, specifications and cost estimates for public improvements for West Ridge Addition, Phase VI, shall be submitted to the City Public Works Department for review and approval, including resolution of the items listed in the Inter-Office Memorandum attached to this report, prior to consideration of the Final Plat.
3. Applicant shall enter into an Annexation Agreement which shall contain terms and conditions for annexation of the area within the Plat, including, but not limited to, agreement by applicant to:
  - a. install, within two years of the date of annexation, the public improvements referenced in Condition 2 above;
  - b. indemnify and hold the City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c. adjust the finished grade of the lots, limit basement construction and/or install sewage grinder, or injector type lift pumps in order to accommodate the sanitary sewer within the subdivision. The developer shall disclose this information to all prospective buyers of lots in the subdivision.
  - d. provide temporary cul-de-sacs per requirements of Public Works, escrow funds for the future installation of standard curb and gutter, and install a pavement patch when the temporary cul-de-sacs are removed, when future development occurs to the west;
  - e. development of lots with temporary cul-de-sacs shall be subject to review and approval by Public Works and Planning and Community Development Departments prior to development;
  - f. either secure approval from the adjoining land owner to allow drainage from the street to the adjoining property, or provide an easement and construct a temporary drainage ditch along the westerly edge of the subdivision and a detention pond on the developer's property located north of subdivision;
  - g. pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

Ordinance 3111 to assign City zoning for West Ridge Addition, Phase VI, was accepted by the City Commission on first reading on August 6, 2013. Notice of Public Hearing before the City Commission for the annexation, establishment of City zoning, and Final Plat for West Ridge Addition, Phase VI, was published in the *Great Falls Tribune* on August 18, 2013.

**Background:** The ±7.99 acre subject property is located generally west of 2nd Street Northeast and north of 38th Avenue Northeast. The developer is requesting approval of the Final Plat, City zoning and annexation of West Ridge Addition, Phase VI. The proposed subdivision consists of 24 single-family residential lots. The subject property is legally described as West Ridge Addition, Phase VI, in SE1/4 of Section 26, Township 21 North, Range 3 East, PMM, Cascade County, Montana.

During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition, Phases V and VI, as recommended by the Planning Advisory Board. The Final Plat for West Ridge Addition, Phase V, was approved by the City

Commission on June 17, 2008. The developer did not proceed with West Ridge Addition, Phase VI, and the Preliminary Plat approval expired on January 8, 2011. The developer reprocessed the Preliminary Plat and is now requesting approval of the Final Plat of West Ridge Addition, Phase VI. For additional information, please refer to the attached Aerial Photo, Zoning Map and Final Plat. Similar to West Ridge Addition, Phases I-V, Phase VI will consist of single-family lots that are then sold for development. The majority of West Ridge Addition, Phases I-V are built out.

#### Final Plat Request

The applicant is requesting a Final Plat of the subject property, which would subdivide the property into 24 single-family residential lots. The applicant submitted a Final Plat, which shows the layout for the proposed subdivision (attached).

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. Staff has provided a written findings of fact that weigh the criteria in of 76-3-608 (3) MCA (attached).

#### Rezone Request

The applicant is requesting that the subject property be rezoned from County SR1-Suburban Residential 1 to R-3 Single-family high density residential district upon annexation into the City of Great Falls.

The proposed zoning is compatible with the other phases of West Ridge Addition. According to the Land Development Code, R-3 Single-family high density residential zoning classification is:

Intended to accommodate single-family residences at the highest urban density. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.

The proposed residential development is consistent with the R-3 zoning standards and is compatible with the existing neighboring uses, which include vacant undeveloped land and single-family residential properties.

#### Annexation Request

In conjunction with the Preliminary Plat and establishment of City zoning, the developer is requesting annexation of ±7.99 acres from Cascade County into the City of Great Falls.

#### Improvements

Access to the subject property will be provided by 2nd Street Northeast and 39th and 40th Avenues Northeast. The public roadways contained therein will be improved with standard City paving, curb and gutter, and sidewalks. The developer will be required to reimburse the City their proportional share of paving, curb and gutter, and water main previously installed in 2nd Street Northeast. These avenues will dead-end on the western property boundary. Temporary cul-de-sacs will be installed at the west termini of 39th and 40th Avenues Northeast. The cul-de-sacs shall meet standards required by the Fire Department. The cul-de-sacs, as shown on the Plat,

shall be located within the public right-of-way and easements on adjacent lots within the development. The developer will be required to install a standard pavement section in the street portion of the cul-de-sac. The developer will be required to escrow funds to restore curb and gutter, pavement, sidewalk, driveways, and landscaping to said lots when the temporary cul-de-sacs are removed and future development occurs to the west. The Planning and Community Development and Public Works Departments Development shall review and approve proposed development on any of those lots where the cul-de-sacs are partially located.

City water and sanitary sewer mains are proposed to be installed in 39th and 40th Avenues Northeast. The sanitary sewer mains will be extended westerly from the current termini manholes located to the east in 39th and 40th Avenues Northeast. The existing topography of the subdivision will limit the depth at which the gravity sanitary sewer main can be located; therefore, basement construction with standard gravity sewer services will likely be limited. The developer has noted that he will either need to adjust the finished grade of the lots, limit basement construction and/or install sewage grinder or injector type lift pumps. The developer shall disclose this information to all prospective buyers of lots in the subdivision. There is an existing Montana Refinery Crude Oil Line easement that runs through the property. The developer has adjusted lot lines within the subdivision to provide buildable areas on the lots affected by the easement. The developer will provide easements within the subdivision for utilities such as telephone, cable, power and gas.

Surface drainage from Phase VI will generally flow to the west and north. The developer has provided a 10-foot drainage easement and will construct a temporary drainage ditch along the westerly edge of the subdivision and a detention pond on the developer's property located north of subdivision.

The developer will fulfill the subdivision's park obligation by paying a fee in lieu of dedicating park land, which is acceptable to the Park and Recreation Department.

#### 2005 City of Great Falls Growth Policy

The application is generally consistent with the 2005 Growth Policy in that it furthers housing and expansion in the City. Overall, the project is a logical future extension of existing and planned residential growth and services; however, expansion and annexation at this time comes with concerns as to how the area's infrastructure and street connectivity will function in this vicinity. Without information as to how the property to the west will develop, the property owner takes on the responsibility of addressing numerous infrastructure and service concerns incrementally. It would be preferable if there was a cooperative approach toward developing this area of the City.

In terms of the City's housing policy, the Growth Policy calls for the greater opportunities for home ownership, and a diverse, affordable and safe supply of housing for residents of all needs and income levels, including single family homes. This project will add more housing stock and choice in a manner consistent with the City's goals and needs.

#### Neighborhood Council Input

The subject property is located in Neighborhood Council #3. The applicant, presented information to Council #3 on March 7, 2013. The Council asked the applicant about drainage and erosion on the site. The applicant explained the existing drainage flows to Watson Coulee.

The Council also asked about traffic patterns from the subdivision and the applicant explained that traffic traveling east would most likely use 36th Avenue Northeast, and traffic heading south or west would use 2nd Street Northeast. The Council was concerned about the existing pipeline and associated easement that runs through the subject property, and the applicant explained he configured the lots so that there was enough room for a home adjacent to the pipeline. Finally, the Council asked if the applicant would be dedicating park land, and the applicant explained that he would be paying cash in lieu of dedicating land.

The Council made a unanimous recommendation in favor of the application and recommended that the cash provided by the applicant for the park land be used for Skyline Park. Additionally, Staff has received written comment about a concern for run-off of stormwater to the property to the west of the subdivision and a concern for fill soils being brought onto the property for development. Public Works shall require the developer to provide adequate accommodations for stormwater run-off, and the City will require soil testing prior to each home being built in the subdivision.

**Concurrences:** Representatives from the City's Public Works, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

**Fiscal Impact:** Providing services is expected to be an additional cost to the City. Increased costs may be covered by increased tax revenues from improved properties.

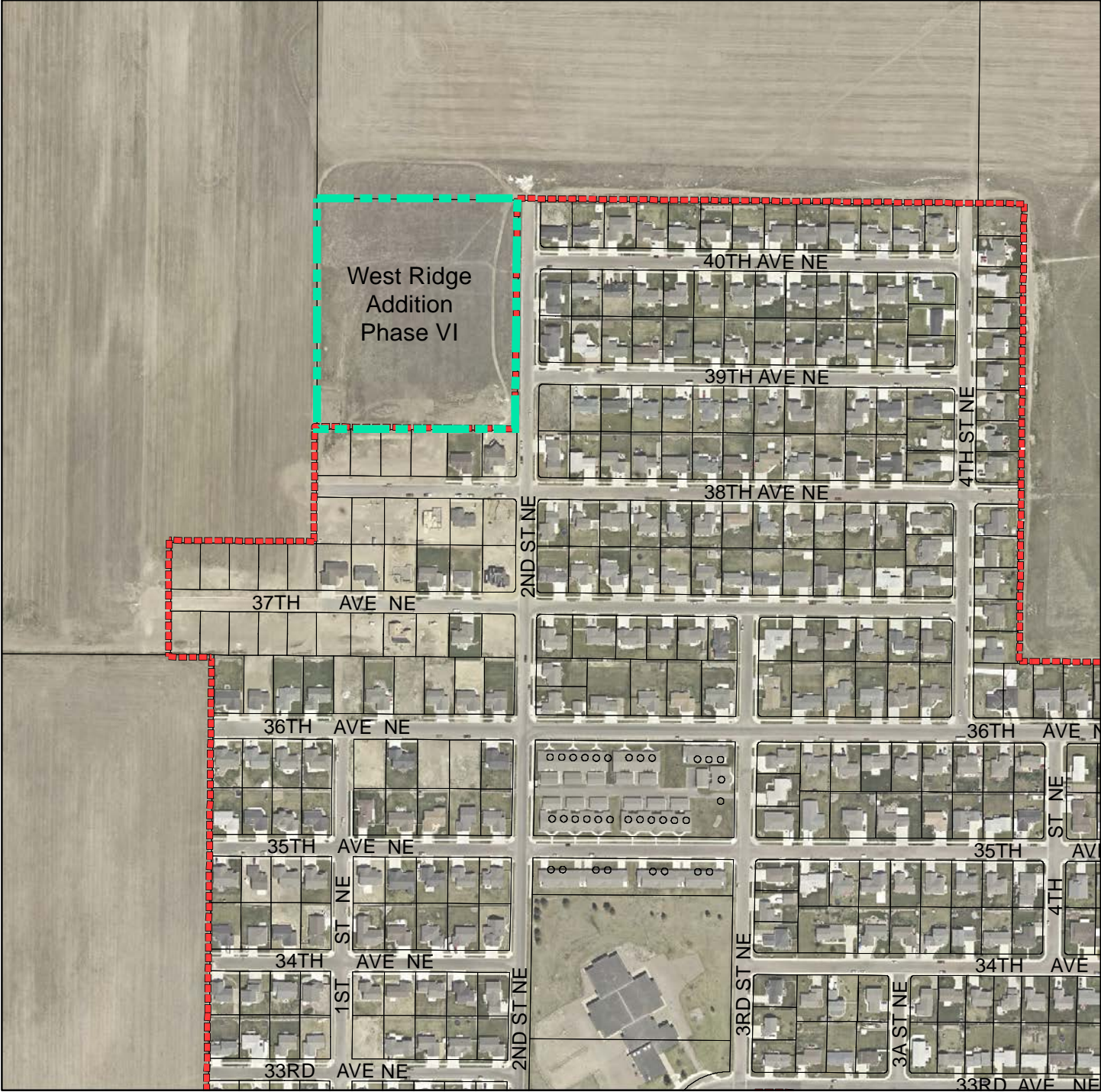
**Alternatives:** If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.




**Attachments/Exhibits:**

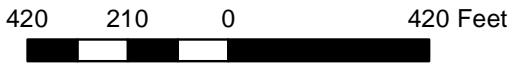
- Aerial Photo
- Zoning Map
- Ordinance 3111
- Resolution 10033 with Attachment A
- Final Plat
- Findings of Fact
- Annexation Agreement
- Inter-Office Memorandum

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Patty Cadwell, Neighborhood Council Coordinator  
Susan Connell, Cascade County, [sconell@co.cascade.mt.us](mailto:sconell@co.cascade.mt.us)  
Gary Knudson, S&L Development, [glknudson.eng70@yahoo.com](mailto:glknudson.eng70@yahoo.com)

# Aerial Photo

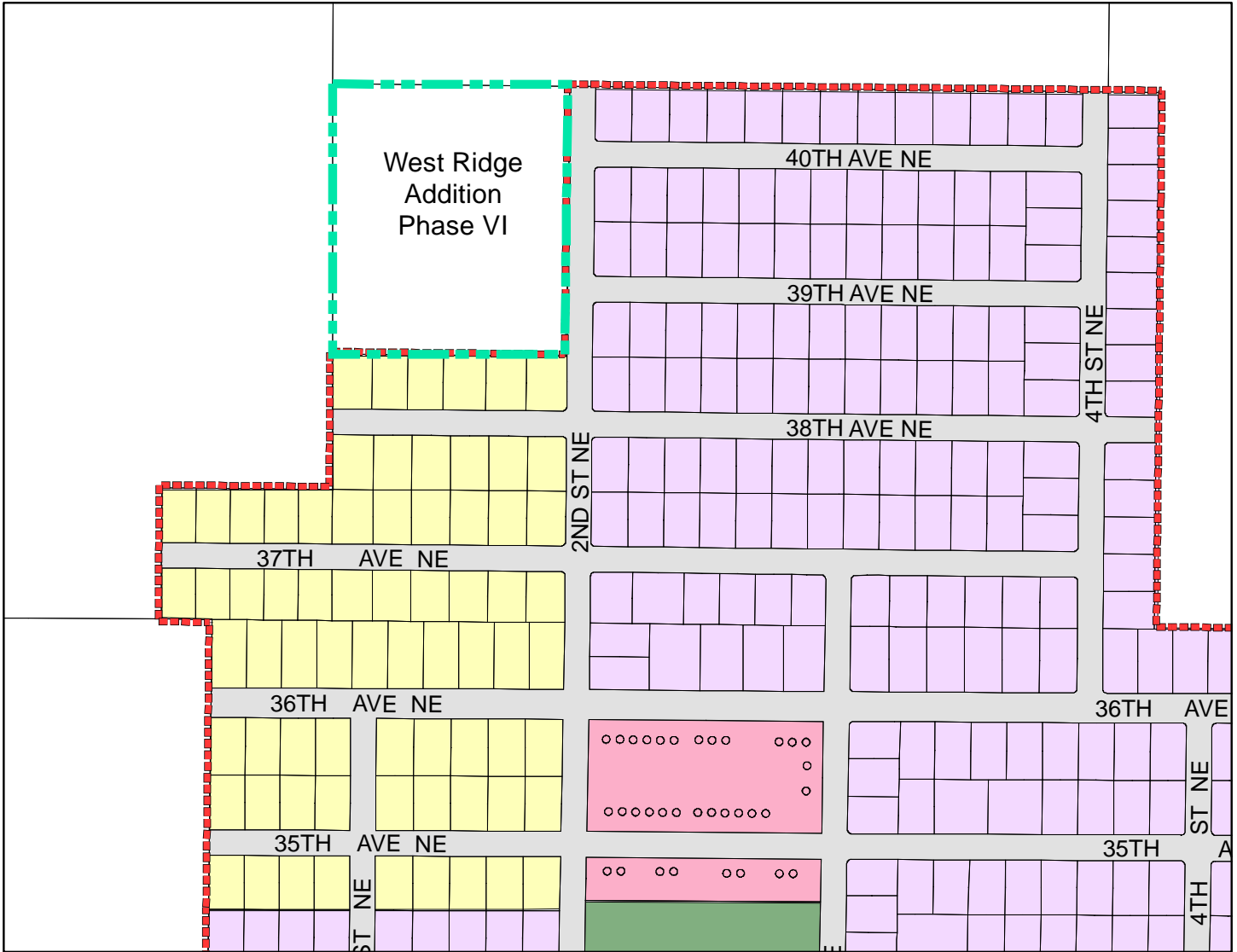



























-  West Ridge Addition, Phase VI
-  City Limits
-  Tracts of Land



West Ridge Addition, Phase VI

# Zoning Map



- |  |  |   |
|--|--|---|
|  West Ridge Addition, Phase VI |  C-5 Central business periphery |  R-1 Single-family suburban       |
|  City Limits                   |  I-1 Light industrial           |  R-2 Single-family medium density |
|  Tracts of Land                |  I-2 Heavy industrial           |  R-3 Single-family high density   |
| <b>ZONING</b>  |  M-1 Mixed-use district         |  R-5 Multi-family medium density  |
|  AI Airport Industrial         |  M-2 Mixed-use transitional     |  R-6 Multi-family high density    |
|  C-1 Neighborhood commercial   |  PLI Public lands institutional |  R-9 Mixed residential            |
|  C-2 General commercial        |  POS Park Open Space            |  R-10 Mobile home park            |
|  C-3 Highway commercial        |  PUD Planned unit development   |  Unincorporated                   |
|  C-4 Central business core     |  Right of Way                  |   |



West Ridge Addition, Phase VI

ORDINANCE 3111

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO WEST RIDGE ADDITION PHASE VI, IN SE1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, S & L Development, LLC is the owner of record and has petitioned the City of Great Falls to annex West Ridge Addition, Phase VI, consisting of ±7.99 acres, located in SE1/4 of Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development has petitioned said West Ridge Addition, Phase VI, be assigned a city zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classifications to West Ridge Addition, Phase VI, was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 3<sup>rd</sup> day of September, 2013, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made,

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning classification of West Ridge Addition, Phase VI, be designated as R-3 Single-family high density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing West Ridge Addition, Phase VI, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.



APPROVED by the City Commission on first reading August 6, 2013.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading September 3, 2013.

\_\_\_\_\_  
Michael J. Winters, 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 3111 in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

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

(CITY SEAL)

RESOLUTION 10033

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE WEST RIDGE ADDITION, PHASE VI, IN SE1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

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, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

West Ridge Addition, Phase VI, located in SE1/4 of Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing of  $\pm 7.99$  acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of West Ridge Addition, Phase VI; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, 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 has submitted a petition to have said property annexed to the City of Great Falls.

NOW, THEREFORE, 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 territory 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 law and constitution of the State of Montana, and all conditions, acts, and things required to be done 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 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: "WEST RIDGE ADDITION, PHASE VI, IN SE1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; 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 3<sup>rd</sup> day of September, 2013.

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

ATTEST:

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

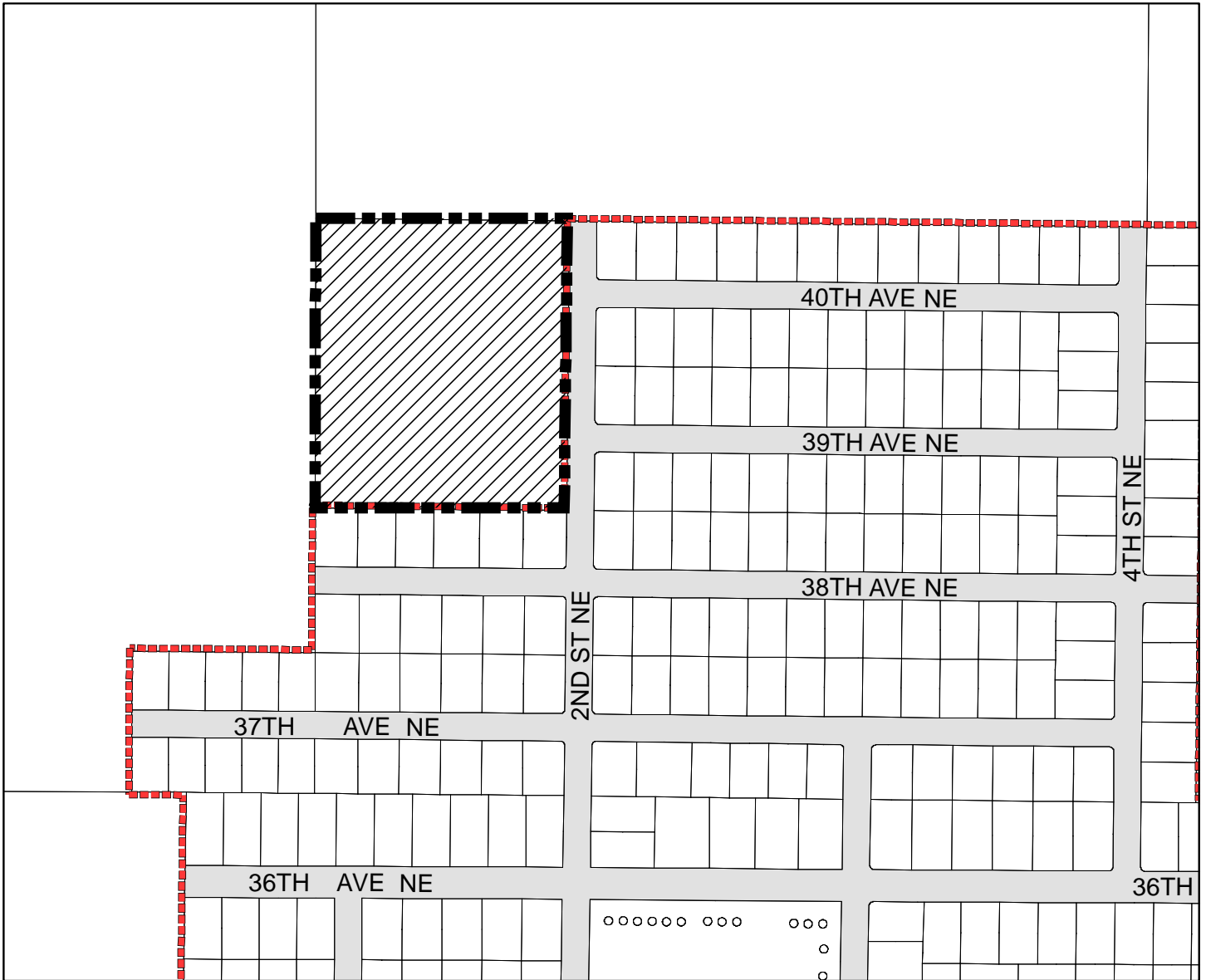
(SEAL OF CITY)





APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

# Resolution 10033

## Attachment A



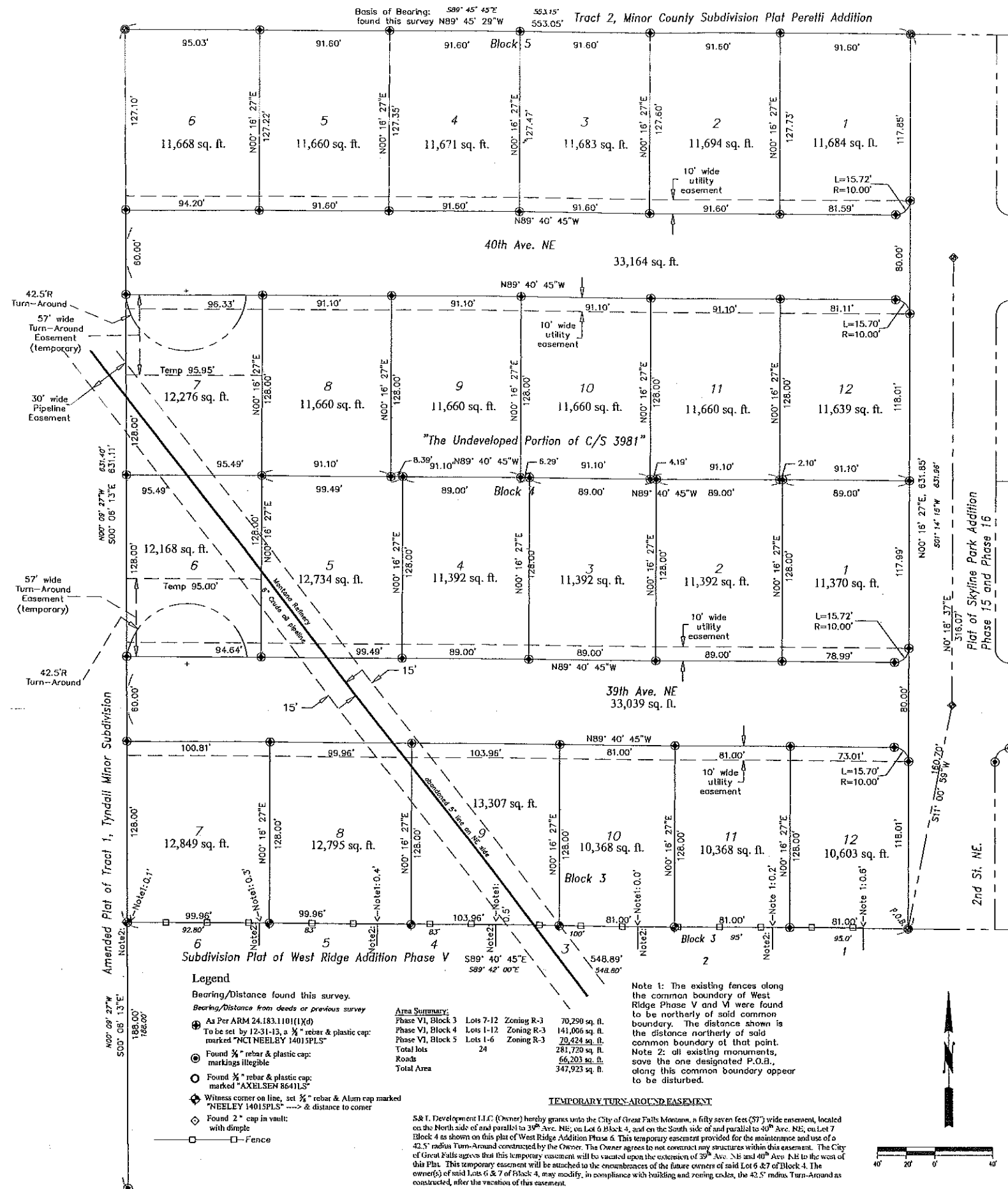
-  West Ridge Addition, Phase VI
-  City Limits
-  Tracts of Land
-  Right of Way



West Ridge Addition, Phase VI

Plat of the West Ridge Addition Phase VI SE1/4, Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana

Plat of West Ridge Addition, Phase VI



**Certificate of Dedication**  
We, the undersigned property owners of "The Undeveloped Portion of C/S 3981", 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 parcel of land in Southeast quarter (SE1/4) of Section 26, Township 21 North, Range 3 East, P.M.M., being "The Undeveloped Portion of C/S 3981" of "Subdivision Plat of West Ridge Addition, Phase V", secondarily described below, Beginning at the southeasterly corner of said "The Undeveloped Portion of C/S 3981", common with the northeasterly corner of Lot 1, Block 3 of said "Subdivision Plat of West Ridge Addition, Phase V", also common with the southwesterly corner of "Plat of Skyline Park Addition Phase 15 and Phase 16", also being a point on the westerly sideline of 2nd Street NE; thence, along the easterly boundary of said "The Undeveloped Portion of C/S 3981", common with said westerly sideline, common with the westerly boundary of said "Plat of Skyline Park Addition Phase 15 and Phase 16", N00°16'27"E, 631.85 feet to the northeasterly corner of said "The Undeveloped Portion of C/S 3981", common with the northwesterly corner of said "Plat of Skyline Park Addition Phase 15 and Phase 16", common with the northwesterly corner of said 2nd Street NE, also being a point on the southerly boundary of "Tract 2" of "Minor County Subdivision Plat Perelli Addition", thence, along the northerly boundary of said "The Undeveloped Portion of C/S 3981", common with the southerly boundary of said "Tract 2" of "Minor County Subdivision Plat Perelli Addition", N89°45'29"W, 553.05 feet to the northwesterly corner of said "The Undeveloped Portion of C/S 3981", common with the southwesterly corner of said "Tract 2" of "Minor County Subdivision Plat Perelli Addition", also being a point on the easterly boundary of "Amended Plat of Tract 1, Tyndall Subdivision", thence, along the westerly boundary of said "The Undeveloped Portion of C/S 3981", common with the easterly boundary of said "Amended Plat of Tract 1, Tyndall Subdivision", S00°06'13"E, 631.11 feet to the southwesterly corner of said "The Undeveloped Portion of C/S 3981", common with the northwesterly corner of Lot 6, Block 3 of "Subdivision Plat of West Ridge Addition, Phase V", thence, along the northerly boundaries of Lots 6 to 1 of said Block 3 of "Subdivision Plat of West Ridge Addition, Phase V", S89°40'45"E, 548.89 feet to the point of beginning, containing an area of or 347,923 sq. ft., or 7.99 acres.

The above described parcel of land, hereinafter to be known and designated as Plat of West Ridge Addition, Phase VI to the City of Great Falls, Cascade County, Montana and the land included in all streets and avenues shown on said plat are hereby granted and donated to the use of the public forever.

**Signed:**  
S.A.L. Development, LLC (Title) (Deed R0176236) S.A.L. Development, LLC (Title) (Deed R0176136)

State of Montana; County of Cascade; ss.  
On this \_\_\_ day of \_\_\_\_\_, 2013, 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 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  
Printed Name: \_\_\_\_\_  
Residing at \_\_\_\_\_  
(NOTARIAL SEAL) My Commission Expires: \_\_\_\_\_

STATE OF MONTANA ) ss.  
County of Cascade )

**Certificate of Surveyor**  
I, David P. Nealey, a Licensed Professional Land Surveyor, do hereby certify that I performed the survey shown on the attached Plat of West Ridge Addition, Phase VI, 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 by the 31st day of December, 2013.  
Dated this \_\_\_ day of \_\_\_\_\_, 2013  
David P. Nealey, P.L.S. Montana License No. 14013PLS

**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 West Ridge Addition, Phase VI, 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 \_\_\_\_\_, 2013

County Treasurer,  
Cascade County, Montana

**Certificate Dispensing with Park or Playground**  
I, \_\_\_\_\_, 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 \_\_\_\_\_, 2013, and entered into the proceedings of said body to-wit: Inasmuch as dedication of parkland within the platted area of the Plat of West Ridge Addition, Phase VI 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 of \$ \_\_\_\_\_ for the park fund in lieu of the land that would have been dedicated, if dedication were made, in accordance with Section 76-3-622(1)(a), M.C.A.  
Dated this \_\_\_ day of \_\_\_\_\_, 2013

City Manager, City of Great Falls, Montana

**Certificate that adequate storm water drainage and adequate municipal facilities will be provided**  
I, \_\_\_\_\_, 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 \_\_\_\_\_, 2013, 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 \_\_\_\_\_, 2013

City Manager, City of Great Falls, Montana

**Certificate of Public Service Director**  
I, \_\_\_\_\_, 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 plating of lands and to presently platted adjacent land, as near as circumstances will permit and I hereby approve the same.  
Dated this \_\_\_ day of \_\_\_\_\_, 2013

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, approve it, and hereby accept the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this \_\_\_ day of \_\_\_\_\_, 2013.

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

- Legend**  
Bearing/Distance found this survey.  
Bearing/Distance from deeds or previous survey  
As Per ARM 24.183.1101(1)(d)  
To be set by 1/2-3/1-13, a 1/2" rebar & plastic cap marked "NCT NEELEY 14015PLS"  
Found 1/2" rebar & plastic cap; markings illegible  
Found 1/2" rebar & plastic cap; marked "AXBLSEN 8641LS"  
Witness corner on line, set 1/2" rebar & Alum cap marked "NEELEY 14015PLS" -> & distance to corner  
Found 2" cap in vault; with dimple  
Fence

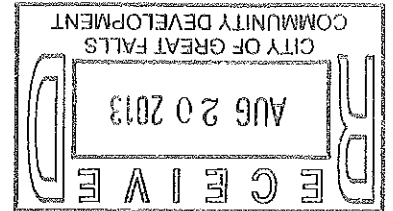
**Area Summary:**

|                   |           |            |                 |
|-------------------|-----------|------------|-----------------|
| Phase VI, Block 3 | Lots 7-12 | Zoning R-3 | 70,290 sq. ft.  |
| Phase VI, Block 4 | Lots 1-12 | Zoning R-3 | 141,006 sq. ft. |
| Phase VI, Block 5 | Lots 1-6  | Zoning R-3 | 70,424 sq. ft.  |
| Total Lots        | 24        |            | 281,720 sq. ft. |
| Roads             |           |            | 66,203 sq. ft.  |
| Total Area        |           |            | 347,923 sq. ft. |

**Note 1:** The existing fences along the common boundary of West Ridge Phase V and VI were found to be northerly of said common boundary. The distance shown is the distance northerly of said common boundary of that point.  
**Note 2:** all existing monuments, save the one designated P.O.B., along this common boundary appear to be disturbed.

**TEMPORARY TURN-AROUND EASEMENT**

S&L Development LLC (Owner) hereby grants unto the City of Great Falls, Montana, a fifty seven foot (57') wide easement, located on the North side of and parallel to 39th Ave. NE, on Lot 6 Block 4, and on the South side of and parallel to 40th Ave. NE, on Lot 7 Block 4 as shown on this plat of West Ridge Addition Phase VI. This temporary easement provided for the maintenance and use of a 42.5' radius Turn-Around constructed by the Owner. The Owner agrees to not construct any structures within this easement. The City of Great Falls agrees that this temporary easement will be vacated upon the extension of 39th Ave. NE and 40th Ave. NE to the west of this Plat. This temporary easement will be attached to the encumbrances of the future owners of said Lot 6 & 7 of Block 4. The owners of said Lots 6 & 7 of Block 4, may modify, in compliance with building and zoning codes, the 42.5' radius Turn-Around as constructed, after the vacation of this easement.



JOB NO: 1302 Phase 6  
DATE: 8-13-2013  
DRAWN BY: D. Nealey  
DRAWING NAME: 1301Base2.dwg  
SHEET NO. 1 OF 1  
File #  
NG ENGINEERING CO.  
4599 North Star Blvd.  
P.O. Box 6350  
Great Falls, MT 59406-6350  
Phone: 406-453-5478  
Fax: 406-453-2069

**FINDINGS OF FACT**  
**FOR FINAL PLAT OF WEST RIDGE ADDITION, PHASE VI, A SUBDIVISION LOCATED WITHIN**  
**THE SE1/4 OF SECTION 26, T21N, R3E, P.M.M, CASCADE COUNTY, MONTANA**  
**(PREPARED IN RESPONSE TO 76-3-608(3) MCA)**

Finding of Fact (Prepared in Response to 76-3-608(3) MCA)

**PRIMARY REVIEW CRITERIA**

**Effect on Agriculture:** Utilization of the subdivision site for dry land crop production has diminished due to its proximity to urban residential development. Approval of the subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** Lots in the subdivision will connect to City water and sewer mains. The developer will pay the cost of extending the utility mains. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is ±2.7 miles from the subdivision site. Providing these services to the homes in the subdivision is expected to be a cost to the City. Increased tax revenues from improved properties may cover increased costs.

Public streets will be extended into the subdivision to serve the proposed residential units. The subdivision will have a impact on the cost of road maintenance. The developer will have responsibility to install curb, gutter, sidewalks and paving in the roadways within the subdivision. The developer shall reimburse for the existing improvements to 2nd Street Northeast.

**Effect on the Natural Environment:** The subdivision, which consists of 24 lots, is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from Phase VI will generally flow to the northwest. The developer has provided a 10-foot drainage easement along the western boundary of the subdivision and shall construct a temporary drainage ditch along the western edge of the subdivision which will flow to the north. The developer shall construct a detention pond on the developer's property north of subdivision to detain run-off.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is located adjacent to an area containing urbanized development. The subdivision is not in an area of significant wildlife habitat and 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 flooding, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines, high traffic volumes, or mining activity. A petroleum pipeline does traverse the subdivision. The developer has designed the lots to accommodate the pipeline. Lots with the pipeline running across shall be reviewed by the Planning and Community Development Department prior to building permits being issued.

**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 to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.

**LEGAL AND PHYSICAL ACCESS**

Dedicated public roadways, which will be improved to municipal standards and maintained by the City, provide legal and physical access to the subdivision and to each proposed lot in the subdivision.

**ANNEXATION AGREEMENT  
FOR  
WEST RIDGE ADDITION, PHASE VI  
IN THE SE1/4 SECTION 26,  
TOWNSHIP 21 NORTH, RANGE 3 EAST,  
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2013, between S & L DEVELOPMENT L.L.C., hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City," regarding the requirements for filing the Final Plat and the annexation to the corporate limits of City, of WEST RIDGE ADDITION, PHASE VI, in the SE1/4 Section 26, Township 21 North, Range 3 East, Cascade County, Montana, hereinafter referred to as "Subdivision."

2. PREVIOUS AGREEMENTS

A. Annexation Agreement for Skyline School Addition, dated November 6, 1969, between School District No. 1 and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 60, Document 6547.

B. Annexation Agreement for West Ridge Addition, Phase I, dated September 2, 2003, between Gary L. Knudson and Marjory A. Knudson and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on R0082409.

C. Annexation Agreement for West Ridge Addition, Phase II, dated December 7, 2004, between Gary L. Knudson and Marjory A. Knudson and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on R0097861.

D. Annexation Agreement for West Ridge Addition, Phase III, dated March 21, 2006, between S & L Development L.L.C. and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County.

E. Annexation Agreement for West Ridge Addition, Phase IV, dated November 8, 2006, between S & L Development L.L.C. and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County.

D. Annexation Agreement for West Ridge Addition, Phase V, dated June 17, 2008, between S & L Development L.L.C. and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County.

3. PRIOR ACTIONS

The Preliminary Plat of Subdivision was conditionally approved by the City Commission on May 7, 2013.

4. SUPPORTING DOCUMENTS

A. A final plat of Subdivision, prepared by NCI Engineering, and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.

B. Final engineering drawings and specifications prepared by NCI Engineering, consisting of documents for sanitary sewer mains, water mains, drainage improvements, curb and gutter, paving, sidewalk and conduit for wiring for potential future public roadway lighting facilities. Said drawings and specifications are on file in the City Engineer's office.

C. Loan commitment letter dated Aug. 16, 2013, by Mountain West Bank of Great Falls, to indicate the capability of Owner to pay for the public improvements referenced in Paragraph 4.B. hereinabove. A copy of the same is filed in the office of the Great Falls Planning Department.

5. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned final plat, can be made as follows:

A. The proposed revision will be submitted to City's Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.

B. The annotated revision becomes a part of this Agreement upon City's Public Works Department approval.



- C. Changes during construction shall be made by change order approved by City's Public Works Department.
- D. "As Built" reproducible drawings shall be supplied to City's Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

6. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owner that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by either party or both parties hereto. In this perspective, it is, therefore, agreed that the parties may by mutual subsequent written agreement modify the terms, conditions and covenants of this Agreement.

7. FEES AND CHARGES

- A. Prior to annexation of the Subject Property, Owner shall pay, the following fees as provided by City policy and resolution:
  - a. Storm Sewer Fee (\$250/acre x 7.99 acres) \$1,997.50
  - b. Reimbursement for proportionate share of cost of street improvements within 2<sup>nd</sup> Street Northeast \$33,829.40
  - c. Reimbursement for proportionate share of cost of water main improvements within 2<sup>nd</sup> Street Northeast \$27,879.62
  - d. Reimbursement for proportionate share of cost of sewer main improvements within 2<sup>nd</sup> Street Northeast \$720.00
  - e. Park Fee in Lieu of Land Dedication (\$0.35 / sq. ft. x 7.99 acres x 11%) \$13,399.71
  - f. Escrow funds to restore curb and gutter in 39<sup>th</sup> and 40<sup>th</sup> Avenues Northwest \$14,976.00
  - g. Recording fees for Agreement and Resolution (\$11 per page x 11 pages) \$121.00

**Total fees made payable to  
City of Great Falls \$92,923.23**

These fees are in addition to the \$700 fee for establishing City zoning, \$100.00 fee for Annexation Application, \$200.00 fee for Annexation Agreement, and \$100.00 fee for Resolution, which have been paid.

- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.

C. Tapping fees for the water service lines will be assessed at the time of installation of the water main improvements. Water and sanitary sewer services connection fees along with water and sanitary service line inspection fees will be assessed at the time of the service extensions into the lots and buildings.

D. The absence of any fee from this agreement which is lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

8. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer, storm sewer and water improvements, street paving, curb and gutter and conduit for wiring for potential future public roadway lighting facilities to serve Subdivision, according to plans referenced in Paragraph 4.B. above and filed in the City Engineer's office and in accordance with standards of City.

9. RESTRICTIONS ON DEVELOPMENT OF LOTS IN SUBDIVISION

A. Lots 6 & 7, Block 4 of the Subdivision are affected by temporary turnarounds, which limits the development of these lots. Owner hereby agrees not to place or erect any structures upon said lots until the temporary turnarounds are removed and permanent curb and gutter installed which would be triggered by future development west of the subdivision. Further Owner agrees to escrow funds in the amount of \$ 14,976.00 to construct the remaining street curb and gutter; patch the roadway pavement; remove and restore the portion of the temporary turnaround within the boulevard and easement area of said Lots at such time as development occurs to the west of the Subdivision.

B. Building construction in the Subdivision will be influenced by the substandard depth of the proposed sewer main and service lines. The elevation of the foundations and/or depth and type of sewer service will need to be considered when developing each lot. Owner hereby agrees to disclose all information regarding the sanitary sewer main and service line depth to potential buyers of each Lot.

10. SOIL AND/OR GROUNDWATER CONDITIONS

The owner of the property in the Subdivision shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to adverse soil or groundwater conditions on the owner's property in the Subdivision. This indemnity obligation runs with the land. Upon the transfer of ownership of the property in the Subdivision, the prior owner's (whether the Owner that made this annexation agreement or a subsequent owner) indemnity obligation for adverse soil or adverse groundwater conditions for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property with the adverse

conditions at the time the City incurs the claim, debt, liability, fine, penalty obligation or cost is obligated to indemnify and no owner of property in the Subdivision is obligated to indemnify for adverse conditions on property owned by someone else.

This indemnification by the owner of the property in the Subdivision shall apply unless such damage or injury results from the negligence, gross negligence or willful misconduct of the City.

11. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

Building permits for Lots in Subdivision shall not be issued until the contracts for installation of the public improvements have been executed. Owner acknowledges that City will not permit the occupancy of any residential structure in Subdivision until street improvement and water and sanitary sewer mains within Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

12. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for their proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

13. PUBLIC ROADWAY LIGHTING

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agrees to pay for their proportionate share of the costs associated with roadway lighting which services Subdivision that may be installed with or without a special lighting district.

14. SIDEWALKS

It is hereby agreed that the following exception to the strict adherence of Subdivision requirements will be permitted: sidewalks serving and abutting any lot in Subdivision shall be installed as a condition of final occupancy by the then lot owner within six (6) months (allowing for unfavorable weather conditions only) of occupancy. It is understood that the above provision regarding sidewalks shall not preclude City from exercising its authority provided by Chapter 12.28, Municipal Code of the City of Great Falls pertaining to sidewalks.

15. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

16. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY AND STREET IMPROVEMENTS

A. After the public utilities, drainage and street improvements described in Paragraph 4.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

B. Installation of the public utilities and street improvements described in Paragraph 7 hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

17. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

18. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to lots in Subdivision.

19. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the final plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as R-3 Single-family high density district. It is hereby understood that the preceding language regarding zoning of lots in Subdivision does not preclude City from reclassifying lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

20. BINDING EFFECT

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

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA  
A Municipal Corporation of the State of Montana

\_\_\_\_\_  
Gregory T. Doyon, City Manager

ATTEST:

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

(Seal of City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara R. Sexe, City Attorney



OWNER  
S&L Development

Leanne K. Bailly

Leanne K. Bailly

State of Montana )

:ss.

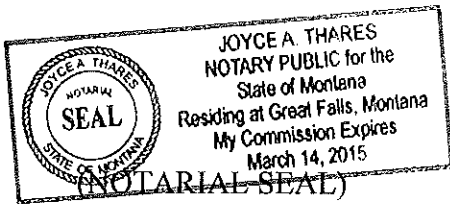
County of Cascade)

On this 22nd day of August, in the year Two Thousand and Thirteen, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Leanne K. Bailly, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Joyce A. Thares  
Notary Public for the State of Montana

Joyce A Thares  
Notary Public for the State of Montana (Printed)  
Residing at Great Falls, MT  
My commission Expires 3-14, 20 15




**City of Great Falls  
Public Works/Engineering**

**INTER-OFFICE MEMORANDUM**

April 3, 2013

TO: Jana Cooper, Planner II

FROM: Dave Dobbs, City Engineer 

SUBJECT: Public Works Department Comments – West Ridge Phase VI,  
O. F. 1341.6

Public Works has performed a preliminary review of the proposed subdivision. The following comments include several significant items that will need to be resolved before final approval can be granted:

1. There may be reimbursement due to the City for utilities and roadway improvements in 2<sup>nd</sup> Street NE. The files from the Skyline Park Additions on the east side of 2<sup>nd</sup> Street NE will need to be reviewed to calculate the exact amounts due to each fund.
2. Site storm runoff must be controlled. If an agreement cannot be reached with the adjoining property owner to the west, it will be necessary to control the water on site and on the land the applicant owns north of the subdivision. Also, drainage entering the southwest corner of the site from Phase V and being held in the temporary pond will need to be handled. A drainage easement on the west edge of the subdivision might be required. These and other issues must be addressed in the storm drainage report.
3. The MRI petroleum pipeline may need to be lowered and capped according to MRI requirements. Given the diagonal nature of the pipeline, it appears that some of the building envelopes will be quite limited.
4. Temporary cul-de-sacs will be required at the west end of the Avenues. These will adversely impact the development of the western lots. Since the cul-de-sacs will be eliminated with the avenues are extended west, funds need to be escrowed to cover these future costs.
5. Due to the shallow existing sanitary sewers, grade of the land, and general slope to the northwest, achieving adequate sewer depth will be difficult, especially on 40<sup>th</sup> Avenue NE. Some filling would help, although too much will be detrimental to avenue extension farther west. Until final plans are available for review, approval of the infrastructure cannot be given. It was noted today that fill material is being trucked to the site from North View. This raises concerns regarding compaction for not only roads but also house sites.



6. Grading to achieve positive drainage and adequate street grades will be closely scrutinized due to the flat nature of the site.

Please feel free to contact me if any questions arise.

File: 13416plngA