

PLANNING ADVISORY BOARD ZONING COMMISSION

JULY 26, 2011

Case Number

ANX2011-9
ZON2011-13

Applicant

Upper Lower River Road Wa-
ter & Sewer District Board

Property Location

Upper River Road adjacent to
portions of 31st Ave S, 32nd
Ave S and 3rd St S.

Requested Action

Annexation ±16.6 acre
subject properties located
east of Upper River Road and
adjacent to portions of 31st
Avenue South, 32nd Avenue
South and 3rd Street South.

Rezone the subject properties
from County Suburban Resi-
dential 1 to R-3 Single-
family high density district.

Neighborhood Council

Neighborhood Council #6

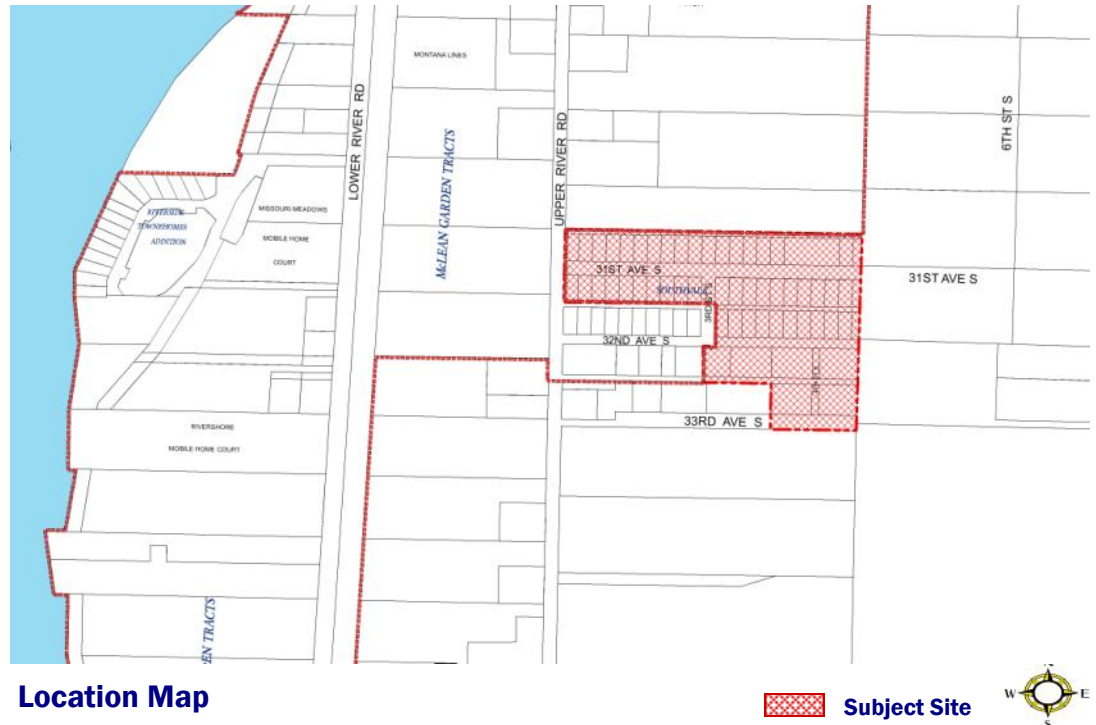
Recommendation

Approval of the request with
conditions.

Project Planner

Jana Cooper, RLA

UPPER LOWER RIVER ROAD WATER & SEWER DISTRICT - SERVICE DISTRICT 4



Location Map

Summary

Project Description

The ±16.6 acre subject property is generally located east of Upper River Road and adjacent to portions of 31st Avenue South, 32nd Avenue South and 3rd Street South, herein referred to as “subject property.”

The District Board is requesting approval of annexation of the property from Cascade County to the City of Great Falls, and establishing City zoning on the property from County Suburban Residential 1 to R-3 Single-family high density district.

Agency Comment

Representatives from the City’s Public Works and Fire Departments have been involved in the review process for this application. All comments made by the above parties have been addressed by the client or in the conditions of this report.

Legal Description

A tract of land located in the SW 1/4 of Section 24, T. 20 N., R. 3 E., P.M.M., more particularly described as:

Beginning at the northwest corner of the Southvale Addition;

thence easterly along the north line of Southvale Addition to the northeast corner of Southvale Addition;

thence southerly along the East line of Southvale Addition (also the East line of the SW1/4NW1/4 of Section 24, T. 20N., R3E.) to the south R/W of 33rd Ave. S. (platted);

thence westerly along said south R/W to a point on said R/W that is in line with the west line of the parcel described in Document # R 0127878;

thence northerly to the southwest corner of the parcel described by Document # R0127878;

thence northerly to the northwest corner of the parcel described by Document # R 0127878, also the south line of the parcel described by Reel 2 Document 1408;

thence westerly to a point in line with the west line of parcel 1, as described by Certificate of Survey # 1190;

thence northerly to the northwest corner of parcel 1, as described by Certificate of Survey # 1190;

thence easterly to a point in line with the west line of Block 3 of Southvale Addition;

thence northerly to the southwest corner of lot 1 Block 3, Southvale Addition;

thence westerly to the southwest corner of lot 1 Block 2, Southvale Addition, also the east Right-of-Way of Upper River Road;

thence northerly to the northwest corner of Southvale Addition, said point being the point of beginning of the tract of land described herein, containing in all, 16.6 acres, more or less.

Existing Conditions

The existing site information for the said property includes:

Existing Use: Mix of uses including single-family, multi-family residential and some commercial operations.

Adjacent Land Use: North and west of the subject property is residential land that was annexed into the City as a part of Upper/Lower River Road Water & Sewer District No. 3. East and south of the subject property are County properties that have existing residential uses. See Exhibit A - Vicinity/Zoning Map and Exhibit B - Aerial Photo for the zoning and existing land uses of the surrounding properties.



Typical residential properties in the subject annexation area



View East down 31st Avenue South



View West down 31st Avenue South

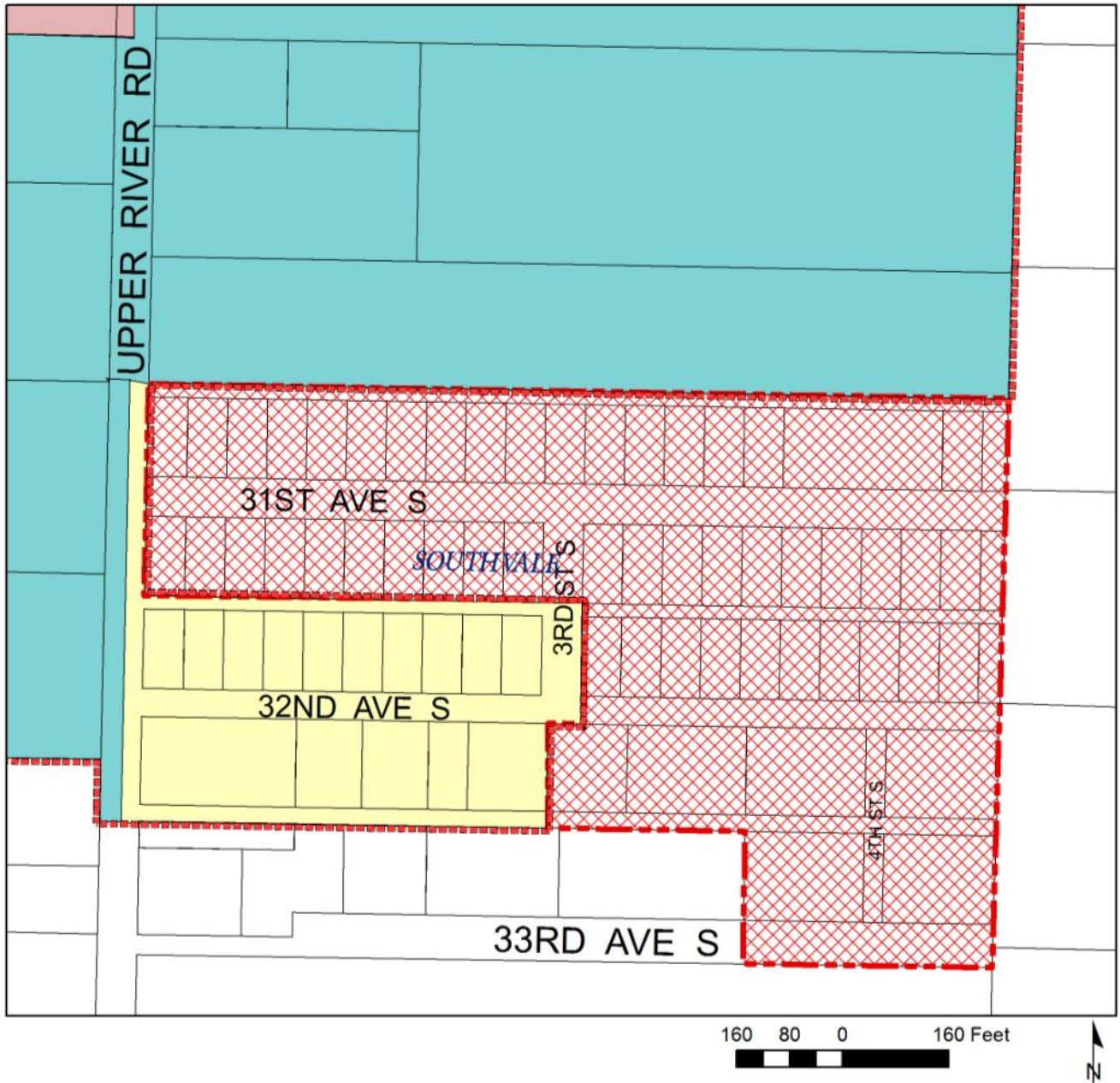


View South down 3rd Street South



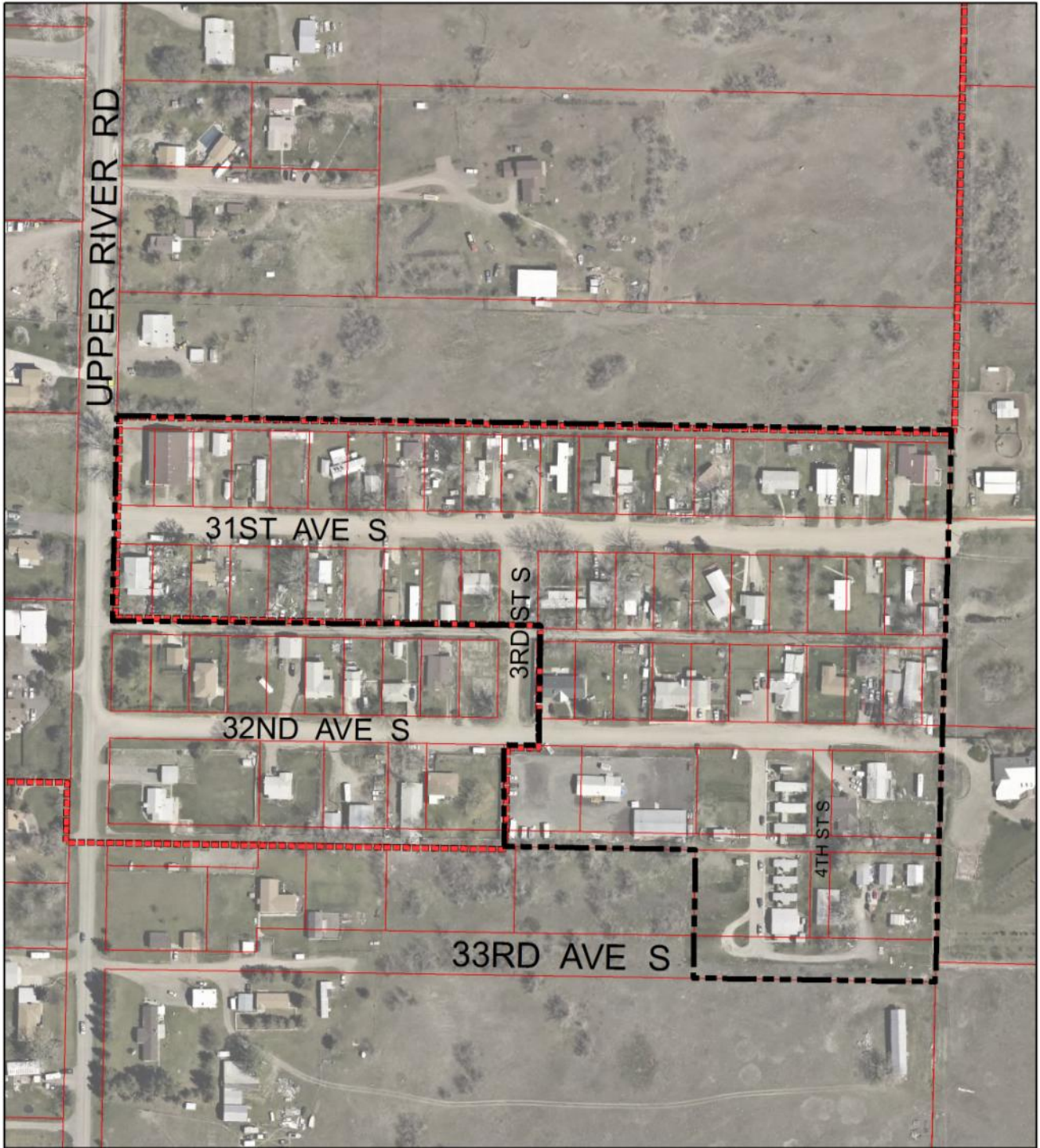
View East down 32nd Avenue South

Exhibit A: Vicinity/Zoning Map





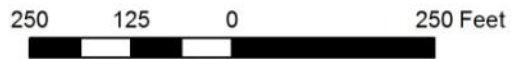
| | | |
|--|--|--|
|  District 4 Boundary |  I-1 Light industrial |  R-2 Single-family medium density |
| ZONING |  I-2 Heavy industrial |  R-3 Single-family high density |
|  AI Airport Industrial |  M-1 Mixed-use district |  R-5 Multi-family medium density |
|  C-1 Neighborhood commercial |  M-2 Mixed-use transitional |  R-6 Multi-family high density |
|  C-2 General commercial |  PLI Public lands institutional |  R-9 Mixed residential |
|  C-3 Highway commercial |  POS Park Open Space |  R-10 Mobile home park |
|  C-4 Central business core |  PUD Planned unit development |  Unincorporated Enclave |
|  C-5 Central business periphery |  R-1 Single-family suburban | |

Exhibit B: Aerial Photo



Aerial Photo: May, 2009

-  District 4 Boundary
-  Tracts of Land



Proposed Project Overview

The Upper/Lower River Road Water & Sewer District (ULRRWSD) is proposing to annex into the City of Great Falls Service District No. 4, located in Section 24, Township 20 North, Range 3 East, Cascade County, Montana. The Subject property boundary includes parcels in the Southvale Addition and portions of 31st Avenue South, 32nd Avenue South and 3rd Street South. The subject property consists of approximately 16.6 acres, containing 57 parcels and involving 27 different owners.

For additional information, please refer to the exhibits attached:

- Exhibit A: Vicinity Map showing the ULRRWSD & Service District No. 4 proposed to be annexed.
- Exhibit B: Aerial Photo showing existing properties and conditions of Service District No. 4.

Background

Beginning in 1996, the Cascade County City-County Health Department and State Department of Environmental Quality initiated an 18-month groundwater pollution study in the Upper and Lower River Road and Donovan Park areas. The subject area is occupied by about 3,000 residents and is the largest area in Cascade County with this type of density having neither a public water nor sewage system.

No imminent health hazards were found as a result of the study. However, it was determined that impacts to the area groundwater were being caused from individual sewage septic systems and two aging sewage lagoons serving the Pearson Addition and the Trailer Terrace Mobile Home Court in the Donovan Park area. The study recommended area residents alleviate potential public health problems by developing an official sewer and water district in order to be eligible for state and federal grants for the planning and construction of public water and sewer systems for subject area. In addition, such a district would have contracting authority for any interlocal agreements that might be possible with the City of Great Falls for connection to City water and sewer lines already present in a portion of the study area.

The study was divided into two separate geographic areas (Upper and Lower River Road and Donovan

Park). Although problems were noted during the study in both areas, the worst problems were noted in the northern portion of the study area along Upper and Lower River Road, and therefore, focus was directed to correcting the problems in that area. The Donovan Park area is generally located a mile and a half south of the Upper and Lower River Road area.

In 2001, property owners along Upper and Lower River Roads voted to create a water and sewer district and subsequently elected a five-member board of directors to find the best solutions to the water and sewer problems and the money to pay for it. The District and the City entered into a Memorandum of Understanding dated August 19, 2003, wherein, it was noted the most cost effective manner of providing water and sewer services to serve the District was to connect to the City's water and sewer systems, thereby requiring annexation to the City.

In November, 2003, voters in the defined District, roughly bounded by the Missouri River, 41st Avenue South, 4th Street South, and the city limit at 19th Avenue South, defeated a \$5.7 million bond to pay for extension of City water and sewer lines into the area. Subsequently, and to reduce the per household cost of the project, the District was divided into smaller service areas. Service Districts No. 1, No. 2 and No. 3 have already been designed and constructed.

Annexation of Service District No. 1 was approved by the City Commission on March 6, 2007. Annexation of Service District No. 2 was approved by the City Commission on May 5, 2009. Annexation of Service District No. 3 was approved by the City Commission on November 16, 2010.

Similar to Service District No. 1, No. 2 and No. 3 of the ULRRWSD, the Board and the City entered into a Memorandum of Understanding dated July 19, 2011, wherein, it was noted the most cost effective manner of providing water and sewer services to serve Service District No. 4 was to connect to the City's water and sewer systems, thereby requiring annexation to the City.

The City will continue previous Interlocal Agreements that specifically address the implementation of the construction of the water and sewer improvements, how properties will be connected, how annexation will occur, and other related matters.

Annexation Request

As a prerequisite to obtaining City water and sewer services, property owners in Service District No. 4 were required to sign several documents, including an annexation petition. To date, the City does not have signed petitions from the owners of a majority (more than 50%) of the parcels in Service District No. 4. The City will require that there is a majority of owners that have signed and submitted annexation petitions prior to City Commission action on the annexation and zoning of the subject properties. By statute, it is a requirement to get a majority for the annexation and zoning to proceed.

All of the parcels within Service District No. 4 are being annexed under MCA Section 7-2-4601. As such, if the City has received a written petition containing a description of the area requested to be annexed that is either signed by more than 50% of the resident electors owning real property in the area to be annexed; or by the owners of 50% of the real property in the area to be annexed, then the governing body may approve the annexation by adopting a resolution.

Zoning Analysis

It is proposed City zoning classification of R-3 Single-family high density district be assigned to the various properties within said Service District No. 4. This classification is based on current County zoning, existing lot size and current land-uses upon the subject properties.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and establishing municipal zoning on land including:

- designed in accordance with the growth policy (comprehensive plan);
- will secure safety from fire and other dangers;
- will promote public health, public safety and the general welfare;
- will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- will provide adequate light and air;
- will consider the effect on motorized and non-motorized transportation systems;
- will promote compatible urban growth;
- will give reasonable consideration to the character of the district;
- gives reasonable consideration to the peculiar suitability for particular uses;
- will conserve the value of buildings; and
- will encourage the most appropriate use of land throughout the municipality.

The proposed zoning of the subject property recognizes and conforms to existing land uses on the parcels proposed to be annexed and will not, without processing of separate applications, result in additional development. Existing legal land uses, which are not permitted by right in the proposed zoning classification to be assigned to the properties, will continue to be recognized and allowed as legal nonconforming uses.

The proposed City zoning to the predominately developed areas coincides with few exceptions to existing County zoning designations. Therefore, staff concludes the above-cited criteria are substantially met.

Improvements

Street Improvements

The streets in the subject area are not built to City standards. They are currently unpaved and have no curb, gutter or sidewalks. At this time the City is not requiring any improvements to the existing streets. The City is not obligated, as part of this annexation, to bring streets in the subject area to City Code. The requested annexation and zoning does not include a proposal for any new development; therefore, it is reasonable to assume that there would be no increased traffic demands caused by this request.

Utilities

There is an existing regional sewer line, the Northwest interceptor located in 31st Avenue South. This sewer is not a part of the ULRRWSD No. 4 and will not be utilized by property owners in District No. 4 for sewer services.

City water and sewer mains shall be extended in 31st Avenue South from Upper River Road east to the edge of the subject property servicing properties north and south of 31st Avenue South. City water and sewer will also be extended from their existing locations in 32nd Avenue South east to the edge of the subject property servicing the properties located north and south of 32nd Avenue South. There are no existing storm drain facilities in any of the ULRRWSD Areas and District No. 4 will not have storm drain either.

Special Improvement Districts

The City will not require residents of Service District No. 4 to waive their right of protest for future special improvement districts for roadway, street lighting, and storm drain improvements. It is mutually agreed and understood that the District will not be involved in formation of roadway, storm drain, lighting, or other Special Improvement Districts. Nothing herein obligates the City to upgrade or improve roadways within the District.

2005 City of Great Falls Growth Policy:

The Environmental Element of the City of Great Falls Growth Policy notes that the only significant groundwater problem in the immediate vicinity of Great Falls is located near Upper/Lower River Road and advocates finding an acceptable solution to the groundwater problems. A goal of the Environmental Element is "To maintain and improve the quality of the area's air and water, even as the community grows."

Goals of the Land Use Element of the City Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.
- To support and encourage a compatible mix of land uses in newly developing areas.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Neighborhood Council Input

The ULRRWSD Board gave a presentation to Neighborhood Council #6 on November 10, 2010 regarding both District 3 and District 4 annexations. There was no comment at that time from Neighborhood Council #6. Patty Cadwell, Neighborhood and Youth Council Coordinator also provided updated information to Council #6 on July 6, 2011; again the Council had no comments.

Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. The Zoning Commission has the responsibility to review and make recommendations on zoning requests. As such, each of the two recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

Recommendation I: It is recommended that the Planning Board recommend the City Commission approve the annexation of Service District No. 4 of the ULRRWSD located in Sections 24, Township 20 North, Range 3 East, Cascade County, Montana and as depicted on the attached Vicinity Map, subject to compliance to the Memorandum of Understanding dated July 19, 2011 between the City and the ULRRWSD and subject to the Zoning Commission adopting Recommendation II (below).

Recommendation II: It is recommended that the Zoning Commission recommend the City Commission approve establishing City zoning classification of R-3 Single-family high density district to the various properties within said Service District No. 4 based on current County zoning, existing lot size and current land-use upon properties as depicted on the attached zoning map, subject to the Planning Board adopting Recommendation I (above).

Next Steps

1. The Planning Advisory Board recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Rezoning and Subdivision.
3. If approved, the applicant will submit any required documents for review and then file the required documents with the Cascade County Clerk and Recorder's Office.

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Patty Cadwell, Neighborhood & Youth Council Coordinator
Melissa Kinzler, Director of Fiscal Services
Idaho Trenberth, NCI Engineering, 4509 N Star Blvd, Great Falls, MT 59405
John Stephenson-Love, 300 Central Ave, 7th Floor, Great Falls, MT 59401

EXHIBIT D - APPLICATION



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: ULRRUS DISTRICT #4

Owner(s): DISTRICT BOARD + PROPERTY OWNERS

Mailing Address: 300 CENTRAL AVE, 7TH FLOOR

Phone: _____ FAX: GTF MT 59401

E-mail: _____

Agent(s): NEIL CONSULTANTS

Mailing Address: 4509 NORTH STAR BLVD.

Phone: _____ FAX: GTF MT 59405

E-mail: _____

Legal Description: SEE ATTACHED

Section: _____ Township: _____ Range: _____

Street Address: SEE ATTACHED

Zoning: Current: COUNTY Proposed: CITY - R-3

Land Use: Current: VARIES Proposed: VARIES

Covenants or Deed Restriction on Property: Yes No
(If yes, please attach to application)

Application Type (please check all that apply):

- Subdivision Preliminary Plat-\$800
- Subdivision Minor Plat-\$600
- Conditional Use Permit-\$700
- Establishment of Zoning with Annexation-\$700
- Annexation-\$400
- Zoning Map Amendment-\$700
- Subdivision Final Plat-\$300

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: CS for THE DIST Bd Date: JULY 1, 2011

Property Owner's Signature: _____ Date: _____

