

# PLANNING ADVISORY BOARD ZONING COMMISSION

**JUNE 11, 2013**

***Case Number***

ANX2013-5  
ZON2013-7  
SUB2013-4

***Applicant/Owner***

S & L Development

***Property Location***

West of 2nd Street NE,  
North of 38th Avenue NE

***Parcel ID Number***

2979700

***Requested Action***

**Final Plat** 24 single-family residential lots

**Zoning** from County SR1-Suburban Residential 1 to City R-3 Single-family high density residential

**Annexation** of ±7.99 acres from Cascade County to the City of Great Falls

***Neighborhood Council***

Neighborhood Council #3

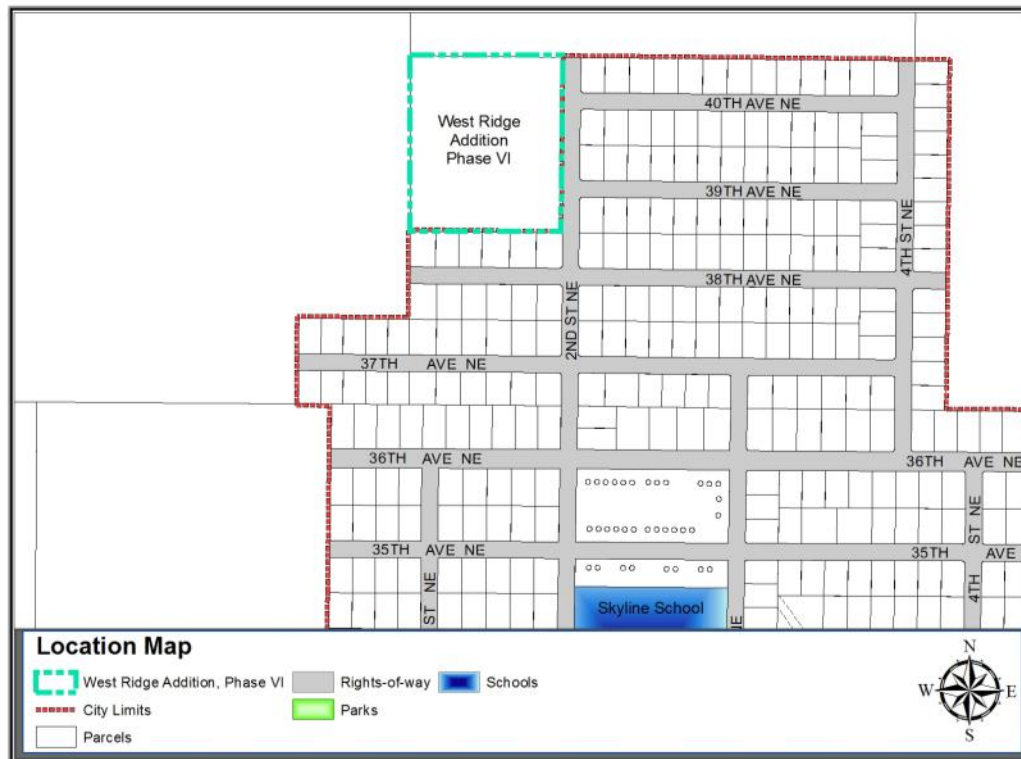
***Recommendation***

Approval of the request with Conditions.

***Project Planner***

Jana Cooper, RLA

## WEST RIDGE ADDITION, PHASE VI FINAL PLAT



### Summary

#### **Project Description**

The ±7.99 acre subject property is located generally west of 2nd Street Northeast and north of 38th Avenue Northeast. The City Commission approved the Preliminary Plat of the subject property, as recommended by the Planning Advisory Board on May 7, 2013. The developer is now requesting approval of the Final Plat, City zoning and annexation of West Ridge Addition, Phase VI. The subdivision consists of 24 single-family residential lots.

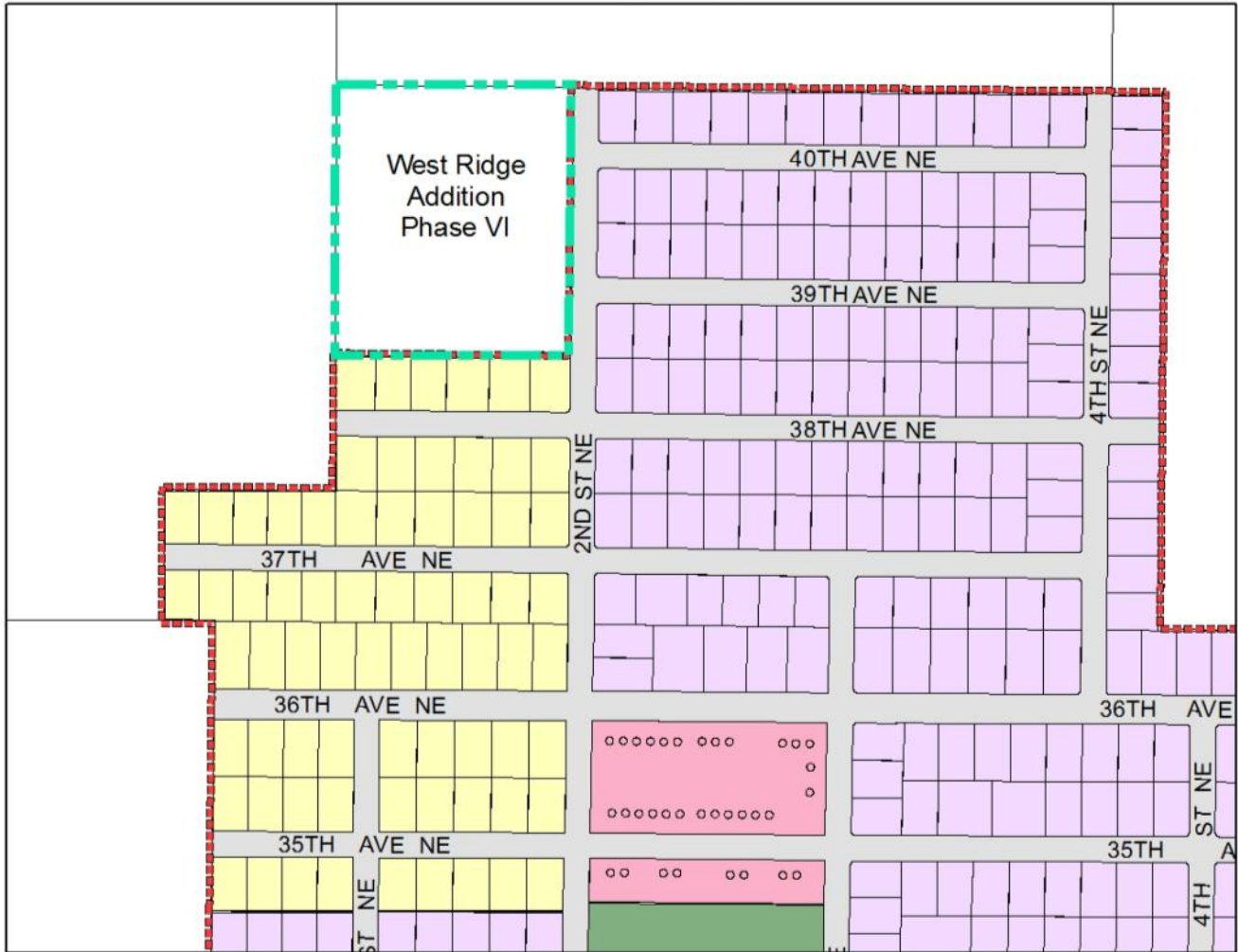
#### **Background**

- Legal Description of property: West Ridge Addition, Phase VI, in SE1/4 Section 26, Township 21 North, Range 3 East, PMM, Cascade County, Montana
- Area of Property: ±7.99 acres

#### **Agency Comment**

Representatives from the City's Public Works, Park & Rec. Department and Police 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.

# EXHIBIT A - VICINITY / ZONING MAP

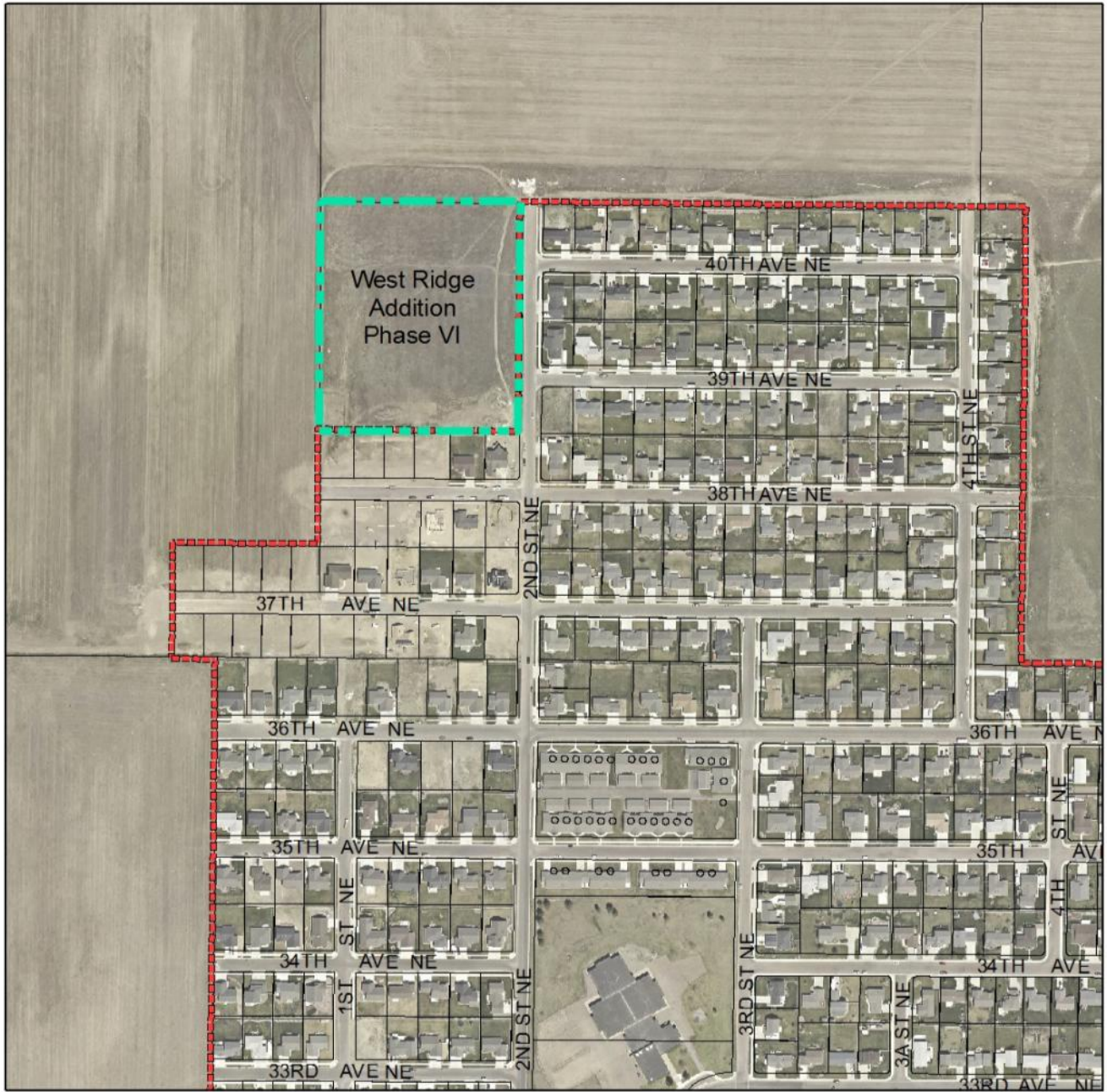





- |                               |                                |                                  |
|-------------------------------|--------------------------------|----------------------------------|
| West Ridge Addition, Phase VI | C-5 Central business periphery | R-1 Single-family suburban       |
| 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

# EXHIBIT B - AERIAL PHOTO



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



West Ridge Addition, Phase VI



Existing Conditions

**Existing Use:** Vacant undeveloped land.

**Existing Zoning:** The property currently is located in Cascade County and zoned SR1-Suburban Residential 1.

**Adjacent Land Use:** The property is located in a developing residential neighborhood with existing single-family homes to the east and south, and vacant undeveloped land to the north and west.

Project Overview

**Background**

During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition, Phase V & 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 re-processed 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 Vicinity/Zoning Map and Final Plat.

Similar to previous additions of the West Ridge subdivision, 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. West Ridge Addition, Phases VI will add an additional 24 single-family residential lots.



View northwest of the subject property from 2nd St NE.



View north of subject property and 2nd St NE.



View southwest of subject property and West Ridge Addition, Phase V beyond.



View of existing West Ridge Addition, Phase V. The proposed Phase VI should have similar character.

## 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 (Exhibit D), which shows the layout for the proposed subdivision.

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 of 76-3-608 (3) MCA.

## Findings 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  $\pm 2.7$  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.

### Zoning Request

In conjunction with the Final Plat, 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 existing zoning on the surrounding properties. 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 Final 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

#### **Roadways**

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. 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 including having a minimum 96-foot diameter. 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. Also, the developer will be required to escrow funds for the future installation of standard curb and gutter and a pavement patch when the temporary cul-de-sacs are removed and future development occurs to the west. Development of those lots where the cul-de-sacs are partially located are subject to review by the Planning and Community Development and Public Works Departments prior to any development. 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.

#### **Utilities**

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 construc-

tion 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.

### **Storm Water Management**

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.

### **Park Land**

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 went to Watson Coulee. The Council also asked about traffic patterns from the subdivision and the applicant explained that most likely traffic traveling east would use 36th Avenue Northeast and traffic heading south or west would use 2nd Street Northeast. The Council was concerned 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 storm water 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.

### Recommendation

The Planning Advisory Board has the responsibility to review and make recommendations on annexations and subdivisions. The City Zoning Commission has the responsibility to review and make recommendations on Zoning Map Amendments. As such, each of the three recommendations are to be considered and acted upon separately by the Commission and Board:



**RECOMMENDATION I:** The Planning Advisory Board recommends the City Commission approve the Final Plat of West Ridge Addition, Phase VI, legally described in the staff report, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendations III, and subject to the Conditions of Approval 1-3 listed in the staff report being fulfilled by the applicant.

**RECOMMENDATION II:** The Planning Advisory Board recommends the City Commission approve the Annexation of West Ridge Addition, Phase VI, legally described in the staff report, subject to the Zoning Commission adopting Recommendations III, and subject to the Conditions of Approval 1-3 listed in the staff report being fulfilled by the applicant.

**RECOMMENDATION III:** The Zoning Commission recommends the City Commission approve rezoning property within West Ridge Addition, Phase VI, from the existing County Suburban Residential 1 to R-3 Single-family high density, upon annexation to the city, subject to the Planning Advisory Board adopting recommendation I and II.

### 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 approval of the Final Plat.
3. An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Final 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) 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;
  - f) pay all applicable fees owed as a condition of annexation, as determined in annexation agreement.

### Review/Approval Process

#### **Next Steps**

1. The Planning Advisory Board recommendation will be presented to the City Commission.
2. City Commission will approve or deny the Final Plat.
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 Council Coordinator

Susan Conell, Cascade County, [sconell@casadecountymt.gov](mailto:sconell@casadecountymt.gov)

Gary Knudson, S & L Development, [glknudson.eng70@yahoo.com](mailto:glknudson.eng70@yahoo.com) & [jmrothwell@bresnan.net](mailto:jmrothwell@bresnan.net)



# EXHIBIT C - APPLICATION

CITY OF GREAT FALLS  
 PLANNING & COMMUNITY DEVELOPMENT DEPT.  
 P.O. BOX 5021, GREAT FALLS, MT, 59403-5021  
 406.455.8415 • WWW.GREATFALLSMT.NET

DEVELOPMENT APPLICATION

Submittal Date: 5.16.13

Application Number: \_\_\_\_\_

Paid (Official Use ONLY):

- Annexation: \$400
- Establish City Zoning: \$700
- Zoning Map Amendment: \$700
- Conditional Use Permit: \$700
- Planned Unit Development: \$700
- Subdivision Preliminary Plat: \$800
- Subdivision Minor Plat: \$600
- Subdivision Final Plat: \$300
- Amended Plat (6 or more lots): \$600
- Vacate Public Right of Way: \$200

WEST RIDGE ADDN - PH. 6  
 Name of Project / Development:

S&L DEVELOPMENT  
 Owner Name:

221-30TH AVE NE GREAT FALLS 59404  
 Mailing Address:

(406) 452-6220 Phone: jmrothwell@bresnan.net Email:

GARY KNUDSON  
 Representative Name:

PO BOX 1481 GREAT FALLS 59403  
 Mailing Address:

(406) 721-3687 Phone: gkknudson.eng70@yahoo.com Email:

### PROPERTY DESCRIPTION / LOCATION:

W1/2 SW SE Mark/Lot: SEC 24 Section: T21N Township/Block: R3E Range/Addition:

2ND ST NE - 39TH E' 40TH AVE NE  
 Street Address:

### ZONING:

SR-1  
 Current:

R-3  
 Proposed:

### LAND USE:

AGRICULT.  
 Current:

SINGLE FAMILY  
 Proposed:

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (we) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application. I (we) further understand that other fees may be applicable per City Ordinances.

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

Shawn Rothwell  
 Property Owner's Signature:

5-16-13  
 Date:

Gary Knudson  
 Representative's Signature:

5/16/13  
 Date:




## EXHIBIT E - INTER-OFFICE MEMORANDUM

**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.