

A G E N D A R E P O R T

DATE January 8, 2008

ITEM Public Hearing - Resolution 9715 to Annex Segment of Burlington Northern and Santa Fe Railroad Right-of-Way Along 14TH Street Southwest and Ordinance 2995 to Assign City Zoning to Same

INITIATED BY: City Administration

ACTION REQUESTED Commission Adopt Resolution 9715 and Ordinance 2995

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

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RECOMMENDATION:

The City Planning Board has recommended the City Commission annex a segment of Burlington Northern and Santa Fe Railroad Right-of-Way (BNSF R/W) along 14th Street Southwest and the City Zoning Commission has recommended the City Commission assign a zoning classification of C-2 General commercial district to the unincorporated segment of BNSF R/W, upon annexation to the City.

MOTION: (Each motion to be separately considered)
“I move the City Commission adopt Resolution 9715.”

and

“I move the City Commission adopt Ordinance 2995.”

SYNOPSIS:

Resolution 9715 annexes the unincorporated segment of BNSF R/W to the City of Great Falls. Ordinance 2995 assigns a zoning classification of C-2 General commercial district upon annexation of same to City.

BACKGROUND:

A segment of BNSF R/W located along 14th Street Southwest, between Interstate Spur 315 and Park Garden Road, and described in Certificate of Survey S-0004499, has never been annexed into the City. The right-of-way is 11.762 acres in size and is contiguous to the City Limits.

Please refer to the attached reduced copy of the Certificate of Survey prepared for the annexation and Exhibit “A” attached to Ordinance 2995.

Although annexation of the right-of-way will also address the City Commission interest to annex unincorporated enclaves into the City, Section 7-2-4301, M.C.A., “Annexation of Contiguous Land” will be applied. The statute allows city’s to annex land, if the land is adjacent to the city, including land used for railroad purposes (7-2-4314, M.C.A.).

The properties surrounding the unincorporated right-of-way are single-family residences along the eastern boundary and a motel and road right-of-way along the western boundary.

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

As the annexation involves an operating rail line, the zoning assignment doesn't have too much application. However, it does make sense to assign zoning classifications that are compatible with the most prevalent zoning districts bordering the corridor being annexed, specifically, C-2 General commercial district.

On November 13, 2007, the Planning Board/Zoning Commission conducted a joint public hearing on annexing and establishing City zoning on the segment of BNSF R/W. At the conclusion of the public hearing, the Planning Board unanimously recommended the City Commission approve the subject annexation and the Zoning Commission unanimously passed a motion recommending the City Commission approve establishing a City zoning classification of C-2 General Commercial district to the unincorporated segment of BNSF R/W.

Attach:Resolution 9715
Ordinance 2995
Reduced Copy of Certificate of Survey

Cc: Burlington Northern and Santa Fe Railroad Co., C/O Source Net Solutions, P.O. Box 3004,
College Station, TX 77842-3054
Burlington Northern and Santa Fe Railroad Co., C/O David Pavlicek - Roadmaster, 620 5th
Avenue SW, Great Falls, MT 59404