

GREAT FALLS PLANNING BOARD & ZONING COMMISSION

MINUTES OF THE COMBINED PUBLIC HEARING ANNEXATION AND ESTABLISHMENT OF CITY ZONING FOR THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS WITHIN HENDERSON HEIGHTS AND NORTH RIVERVIEW TERRACE May 27, 2008

CALL TO ORDER

The public hearing was called to order at 3:31 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

ROLL CALL & ATTENDANCE

Planning Board/Zoning Commission Members present:

Ms. Danna Duffy
Mr. John Harding
Mr. Terry Hilgendorf
Mr. Ron Kinder
Mr. Bill Roberts

Planning Board/Zoning Commission Members absent:

Mr. Art Bundtrock
Dr. Greg Madson
Mr. Joe Schaffer
Mr. Wyman Taylor

Planning Staff Members present:

Ms. Deb McNeese, Administrative Assistant
Mr. Ben Rangel, Planning Director
Mr. Charlie Sheets, Planner I
Mr. Bill Walters, Senior Planner

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

Copies of correspondence regarding this annexation, which are attached and incorporated by reference, were distributed to the Planning Board/Zoning Commission. After reviewing the staff report and recommendation, Mr. Sheets said he would be glad to respond to any questions from the Board.

Mr. Harding asked who owned the properties shown on the vicinity/zoning map below Sacajawea School and above North Middle School. Mr. Sheets replied that the City of Great Falls owns the parcel south of Sacajawea School, and the parcel north of the running track at North Middle School is owned by Montana Refining Company.

Mr. Roberts asked if all lots have been sold to abutting property owners. Mr. Sheets confirmed that all lots are privately owned, with some property owners purchasing oversized lots which created "L" shaped lots. The average size of the parcels along 32nd Avenue NE are approximately 3,700 square feet, and the lots along 29th Avenue NE range from less than 2,000 square feet to almost 9,000 square feet.

Mr. Hilgendorf asked if there was private vehicle access noted in the easements. Mr. Sheets said none of the deeds he reviewed at the County Clerk and Recorder's Office noted any additional access for surrounding property owners.

PROponents OPPORTUNITY TO SPEAK

Mr. Willis Heupel, 217 Riverview Drive E, has owned his property in segment #7 since 1961. He was unsure of being an opponent or proponent, but stated his deed requires a

Minutes of the May 27, 2008

Public Hearing

Annexation & Establishment of City Zoning for the Unincorporated Portion of Two Utility Corridors within Henderson Heights & North Riverview Terrace

Page 3

fifteen-foot access easement be left open. He did not think it would make a difference if the City or County received property complaints, but would be in favor of annexation if the City would agree to grade and gravel the easement once, since public traffic during muddy conditions is ruining the access route.

Ms. Judy Hiatt, 612 33rd Avenue NE, stated she had no idea the utility corridor behind her house had never been annexed, and echoed Mr. Heupel's thoughts that the City provide some improvement to the access area. She concluded that if residents were allowed to continue to access their property from the alley; the City maintained the alley; and no additional water or sewer mains were dug up, she would be in favor of annexation.

Mr. Gary Stewart, 413 Riverview Drive E, a resident since 1963 complained about the condition of the alley. He asked what services property owners could expect in lieu of the increased City taxes, and if a dollar amount of the increase was known. Mr. Harding read aloud a section of a letter addressed to Mr. Carson, which foretold the plans for reappraisal of these particular parcels of land by the State Department of Revenue.

Mr. Don Kennedy, 529 32nd Avenue NE, was unsure if he was for or against annexation, but speculated there might be better services under City jurisdiction. He understood the easement was for utility and landowner use, and was not public access. Mr. Kennedy suggested that the increased tax money go to maintaining the access with gravel.

There was a short discussion regarding answering questions being presented by the public. Mr. Rangel suggested that Staff would answer questions after all proponents and opponents had an opportunity to speak, Mr. Harding concurred.

OPPONENTS OPPORTUNITY TO SPEAK

Mr. Chuck Andrews, 425 Riverview Drive E, spoke against the annexation based upon senior residents on fixed incomes dealing with the failing economy and the expected increase in property taxes. He stated his property has a ten-foot easement, and questioned if he would be able to build an additional home on his property if annexed.

Mr. Bill Steele, #1 Skyline Drive, said his property abuts the City limits and wanted to know if he would be forced to annex. Mr. Harding said today's proceedings should have no affect on his property. However, should Mr. Steele's property become completely surrounded by the City or if he is a City services user he might be faced with annexation.

Mr. Chris Olszewski, 421 Riverview Drive E, has only lived in the neighborhood one year. He voiced concerns that the increased property taxes might create a hardship for senior property owners. Mr. Olszewski thanked the Board for the opportunity to voice his opinions.

OTHER PUBLIC COMMENT

Ms. Sheila Hilpert, 145 Riverview Drive E, asked if she could erect a fence in the alleyway, and who would be liable if the public is allowed to use the easement.

PLANNING BOARD DISCUSSION & ACTION

Mr. Harding asked Staff to respond to the questions presented.

Mr. Rangel stated that each one of these 93 parcels is privately owned. Alleyways are provided to the public on a dedicated right-of-way, which is not the case with these 93 parcels. The language contained in individual deeds will dictate if or where a fence may be erected. The Department of Revenue is currently going through a reappraisal process, wherein the value of each parcel will be re-evaluated, and adjoining parcels will be combined. It is expected that a larger parcel will most likely have a different value than that of a smaller independent parcel. The City will assess standard hydrant and street maintenance fees to the properties, and these fees will go toward maintaining dedicated right-of-ways, not access roads for utility corridors. Most of the subject area is zoned R-2 single-family, and would not allow two homes on one lot. Mr. Rangel concluded that as for Mr. Steele's property, this annexation would have no impact.

Mr. Sheets reported that a 3,700 square foot lot would currently be assessed \$1.47 per month for storm drainage; \$36.41 per year for the street assessment; and street lighting along 29th Avenue NE would run approximately \$23.68 per year.

Mr. Walters addressed Mr. Steel's concerns of annexation. He noted that aside from wholly surrounded parcels, the City has another program in which properties receiving City services are also being annexed as time and resources permit.

Mr. Andrews noted roadways in this area are in need of repair and some are without sidewalks. Mr. Rangel said curb and sidewalk are considered to be the responsibility of the adjoining property owners, so it is conceivable that those property owners, if annexed into the City, would be asked to install curb and gutter.

Mr. Hilgendorf thanked the audience for their participation and encouraged all to attend the City Commission public hearing. He concluded that it is in the best interest of the City to have control over these properties in regards to code enforcement for weeds, building requirements, community decay, etc.

Mr. Harding echoed Mr. Hilgendorf's comments, and stated any action taken today by the Planning Board/Zoning Commission does not change the previous use of these properties.

MOTION: That the Planning Board recommend the City Commission approve the annexation of the 93 separate parcels of land comprising the unincorporated

Minutes of the May 27, 2008

Public Hearing

Annexation & Establishment of City Zoning for the Unincorporated Portion of Two Utility
Corridors within Henderson Heights & North Riverview Terrace

Page 5

portion of two utility corridors within Henderson Heights and North Riverview
Terrace, subject to the Zoning Commission adopting Recommendation II
(below).

Made by: Mr. Roberts

Second: Mr. Hilgendorf

Vote: The motion carried unanimously.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend the City Commission approve
establishing a City zoning classification of R-2 Single-family medium density
district upon all the parcels comprising the utility corridors being annexed
except for the two parcels abutting Sacajawea School and North Middle
School which will be zoned PLI Public land and institutional district.

Made by: Mr. Hilgendorf

Second: Mr. Roberts

Vote: The motion carried unanimously.

Mr. Sheets said today's public comments will be noted in the minutes of this public hearing
which will be forwarded along with a Staff report to the City Commission. A resolution of
intent to annex will be considered first, followed by a notice in the newspaper for a public
hearing in front of the City Commission. Mr. Harding thanked the audience for their
participation and reminded them that the Planning Board/Zoning Commission is an advisory
board to the City Commission.

ADJOURNMENT

The hearing adjourned at 4:37 p.m.

CHAIRMAN

SECRETARY