



# Commission Memorandum

**REPORT TO:** Honorable Mayor and City Commission

**FROM:** David Fine, Economic Development Specialist

**SUBJECT:** Ordinance No. 1925 Amending the North Seventh Urban Renewal District Established by Ordinance No. 1685, Establishing the Bozeman Midtown Urban Renewal Area, Creating the Bozeman Midtown Urban Renewal District, and Adopting the Bozeman Midtown Urban Renewal District Plan with a Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated, and Amending Section 2.05.1830, BMC, Regarding Urban Renewal, Tax Increment, and Economic Development District Boards.

**MEETING DATE:** November 16, 2015

**AGENDA ITEM TYPE:** Consent

**RECOMMENDATIONS:** Finally adopt Ordinance No. 1925

**SUGGESTED MOTION:** Having reviewed and considered the text of the ordinance, public comment, the recommendations of the Planning Board and the North Seventh Urban Renewal Board, and all the information presented, I hereby move to finally adopt Ordinance 1925.

## **BACKGROUND:**

On March 16, 2015, the City Commission voted to approve a budget amendment for the North Seventh Urban Renewal District (NSURD) to engage Community Development Services (CDS) of Montana to investigate the presence of blighted conditions in several areas adjacent to the North Seventh Avenue Urban Renewal District, in an area known as “Midtown”, to determine whether the district should be expanded accordingly. On August 6, 2015, the North Seventh Urban Renewal Board (NSURB) voted to recommend the City Commission approve a Statement of Blight, prepared by CDS, including seven (7) areas for potential expansion to the City Commission. On September 14, 2015, the City Commission adopted Resolution No. 4639 finding that conditions of blight exist in all of the seven areas proposed for expansion, but modifying the “Westside Property” recommendation to exclude the residential neighborhood from the finding of blight.

The City Commission action to expand the NSURD would occur when the City Commission adopts a revised Urban Renewal Plan, including the expanded areas by Ordinance. Though the final expanded district does not need to include all of the areas identified in the statement of blight; the expanded District cannot, however, include any areas that are not identified in an adopted statement of blight.

The Midtown Urban Renewal District Plan (“the Plan) was reviewed by the City Planning Board as required by Section 7-15-4213, MCA, for its review and recommendations as to the Plan’s conformity with the growth policy or parts of the growth policy for the development of the municipality as a whole. The City Planning Board unanimously adopted a resolution to this effect at its October 20, 2015 meeting.

The Plan provides for the remediation of blighted conditions within the urban renewal area by advancing five (5) broad goals through a series of implementing activities and strategies. The five goals include the following items:

1. Promote Economic Development
2. Improve Multimodal Transportation
3. Improve, Maintain and Support Innovation Infrastructure
4. Promote Unified, Human Scale Urban Design
5. Support Compatible Urban Density Mixed Land Uses

The Midtown Urban Renewal District Plan was reviewed and edited by the NSURB, which voted to recommend the adoption of the revised urban renewal plan by the City Commission.

The City Commission can consider three courses of action at this time:

1. Adopt (and/ or amend) the revised Urban Renewal Plan *including* any or all of the expanded urban renewal areas.
  - a. Recommended by Staff and the North Seventh Urban Renewal Board
2. Adopt (and/ or amend) the revised Urban Renewal Plan *without* any of the expanded urban renewal areas.
3. Take no action and retain the existing urban renewal plan and urban renewal area boundaries.

The City Commission provisionally adopted Ordinance 1925 with amendments at their November 2, 2015 meeting. The amendments added underline and strikethrough to aid in the codification of changes to the Bozeman Municipal Code.

**UNRESOLVED ISSUES:**

None at this time.

**ALTERNATIVES:** As determined by the Commission.

**FISCAL EFFECTS:**

The areas within the original urban renewal district will retain their base year of 2006 and sunset date of 2021. The new areas included in the expanded district will have a 2015 base year, but the same 2021 sunset date as the original district. It is nearly impossible to assess the future increase in taxable value that may or may not occur in the areas included in the expanded district.

**PUBLIC NOTICE:**

Public notice of public hearings before the City Planning Board on October 20, 2015 and the Bozeman City Commission on November 2, 2014 were published in the legal section of the Bozeman Daily Chronicle on November 11, 2015 and November 18, 2015.

Property owners in the proposed urban renewal area were sent notice of the public hearings before the City Commission, by certified mail.

**Attachments:**

1. Ordinance No. 1925
2. Ordinance No. 1925, Exhibit "A" - Midtown Urban Renewal District Plan

**Hyperlinks:**

1. [Resolution No. 4639 - Statement of Blight](#)
2. [Planning Board Resolution](#)

*Report prepared on November 9, 2015.*



**ORDINANCE NO. 1925**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA AMENDING THE NORTH SEVENTH AVENUE URBAN RENEWAL DISTRICT ESTABLISHED BY ORDINANCE NO. 1685, ESTABLISHING THE BOZEMAN MIDTOWN URBAN RENEWAL AREA, CREATING THE BOZEMAN MIDTOWN URBAN RENEWAL DISTRICT AND ADOPTING THE BOZEMAN MIDTOWN URBAN RENEWAL DISTRICT PLAN WITH A TAX INCREMENT FINANCING PROGRAM PURSUANT TO TITLE 7, CHAPTER 15, PART 42 AND 43 OF THE MONTANA CODE ANNOTATED, AND AMENDING SECTION 2.06.1330, BMC, REGARDING URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICTS AND SECTION 2.05.1830, BMC, REGARDING URBAN RENEWAL, TAX INCREMENT, AND ECONOMIC DEVELOPMENT DISTRICT BOARDS.**

**WHEREAS**, the City of Bozeman (the “City”) is authorized by the City Charter and Montana law to exercise urban renewal powers for redevelopment and rehabilitation through urban renewal plans and projects to provide for the sound growth of the city or its environs, provide economic and social stability, and promote public health, safety and welfare and otherwise execute the purposes of Title 7, Chapter 15, Part 42 and 43 of the Montana Code Annotated (MCA); and

**WHEREAS**, the City is authorized by the City Charter and Montana law to exercise urban renewal powers after the municipality has made a finding that a blighted area exists that substantially impairs or arrests the sound growth of the city or its environs, constitutes an

economic or social liability and/or is detrimental to the public health, safety, welfare, and morals in its present condition and use in accordance with 7-15-4210, MCA; and

**WHEREAS**, the Bozeman City Commission (the “Commission”) approved Resolution 3839 on August 22, 2005, adopting a finding that areas of blight exist within the area of North Seventh Avenue, and that the rehabilitation, redevelopment, or a combination thereof of the area is necessary in the interest of the public health, safety, morals, or welfare of the residents of Bozeman; and

**WHEREAS**, the Commission adopted Ordinance No. 1865 effective on December 27, 2006, establishing the North Seventh Avenue Urban Renewal District to remedy the conditions of blight found in the area through thoughtful redevelopment; and

**WHEREAS**, the City is considering the expansion of the North Seventh Avenue Urban Renewal District for the purposes of furthering its efforts to revitalize this commercial area and surrounding neighborhoods; and

**WHEREAS**, a blight review in areas adjacent to the North Seventh Avenue Urban Renewal District was completed at the direction of the North Seventh Urban Renewal Board and the Statement of Blight noted that at least three conditions of blight were present in the Midtown urban renewal area; and

**WHEREAS**, in accordance with 7-15-4210, MCA, on September 14th, 2015, the Commission adopted Resolution No. 4639, a resolution of necessity that established the general boundaries of the area to be known as the Bozeman Midtown Urban Renewal District (the “Midtown URD”), identified the area as an urban renewal district, established that the area is “blighted” per Montana Statute, and declared that rehabilitation and redevelopment of the area

Ordinance No. 1925 Bozeman Midtown Urban Renewal District Plan

(pursuant to the Montana Urban Renewal Law, 7-15-4203, MCA) is necessary and desirable in the interest of the public health, safety, and welfare of the residents of Bozeman; and

**WHEREAS**, Resolution No. 4639 had an effective date three months prior to the effective date on this ordinance creating the Midtown URD; and

**WHEREAS**, the City is interested in using Tax Increment Financing as a tool to foster rehabilitation and redevelopment, therefore, pursuant to 7-15-4212, MCA, the City caused an urban renewal plan to be prepared; and

**WHEREAS**, the Bozeman Midtown Urban Renewal District Plan (the “Midtown Plan”), attached as Exhibit “A”, includes a map representing the URD's boundary to be found on page 10 of the Midtown Plan; and

**WHEREAS**, the property to be included in the Midtown URD contains the North Seventh Avenue Urban Renewal District in its entirety as well as the areas of expansion; and

**WHEREAS**, the Midtown urban renewal area to be included in the URD consists of a continuous area with an accurately described boundary; and

**WHEREAS**, the Midtown Plan includes a legal description of the boundary of the URD to be found on page 17 of the Midtown Plan; and

**WHEREAS**, the URD includes approximately 377 separate parcels, more than large enough to afford maximum opportunity, consistent with the sound needs of the City as a whole, for the rehabilitation or redevelopment of the urban renewal area by the private sector; and

**WHEREAS**, the URD does not contain property included within any other existing urban renewal area district or targeted economic development district; and

**WHEREAS**, the City has adopted a growth policy pursuant to Section 76-1-601, M.C.A.; and

**WHEREAS**, the Bozeman Community Plan was duly adopted as the current growth policy by the Commission by City of Bozeman Resolution No. 4163, dated June 1, 2009; and

**WHEREAS**, the Midtown Plan was submitted to the Bozeman City Planning Board for review, and on 20th day of October, 2015, said Board executed a resolution that found the Midtown Plan to be in conformance with the Bozeman Community Plan and found the Midtown urban renewal area to be zoned for uses in accordance with the Bozeman Community Plan; and

**WHEREAS**, a notice required by 7-15-4214(1), MCA of the public hearing(s) in substantially the form as required under 7-15-4215, MCA was published on October 11 and October 18, 2015 as provided in 7-1-4127, MCA; and

**WHEREAS**, a notice required by 7-15-4214(1), MCA of the public hearing(s), in substantially the form as required under 7-15-4215, MCA was mailed on October 20, 2015, not less than 10 days prior to the date of the hearing, by certified mail to all property owners in the district based on a list obtained from the Montana Department of Revenue of the geocodes for all real property, the assessor codes for all personal property, and a description of all centrally assessed property located within the URD at the time of its creation;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:**

## **Section 1**

### **Legislative Findings.**

1. The City's poverty rate at 21.2% is significantly higher than the poverty rates for Gallatin County, Montana and the nation, which are 14.1%, 15.2% and 15.4% respectively (ACS, 2009-2013).
2. Median Household Income for residents living in Bozeman is \$44,615, lower than the County's median, which is \$52,833 and somewhat lower than the state, at \$46,230 and the nation, at \$53,046 (ACS, 2009-2013).
3. Poverty and low incomes constitutes an economic and social liability, while contributing little to the tax income of the state and its municipalities, and consumes an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.
4. The Bozeman Midtown Urban Renewal District through the Bozeman Midtown Urban Renewal District Plan seeks to provide long term economic stability and to use planning and the development of public infrastructure as tools for well managed growth.
5. The goals of the Bozeman Midtown Urban Renewal District as stated in the Bozeman Midtown Urban Renewal District Plan are:
  - Goal #1 Promote Economic Development
  - Goal #2 Improve Multi-Modal Transportation
  - Goal #3 Improve, Maintain and Support Innovation in Infrastructure
  - Goal #4 Promote Unified, Human Scale Urban Design
  - Goal #5 Support Compatible Urban Density Mixed Land Uses
6. The Bozeman Midtown Urban Renewal District Plan provides for the opportunity to use tax increment financing to assist with redevelopment and revitalization activities, and encourage the retention and growth of economic development.
7. The Bozeman Midtown Urban Renewal District Plan supports the development of infrastructure that encourages urban renewal and economic development in the community.



8. The Bozeman Midtown Urban Renewal District Plan provides a plan for redevelopment of the existing commercially designated area to retain existing and attract new economic development.

9. The Bozeman Midtown Urban Renewal District Plan intends to implement the goals and objectives of the Bozeman Community Plan, the city's adopted growth policy.

10. The Bozeman Midtown Urban Renewal District Plan provides a strategy for redevelopment of the existing commercially designated area to eliminate the conditions that contribute to blight, and retain existing and attract new economic development.

## Section 2

### **Definitions.**

The definitions found throughout Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated apply unless otherwise provided or indicated by the context. The following terms wherever used or referred to in this Ordinance shall have the following meanings:

(a) "Act" means Title 7, Chapter 15, Parts 42 and 43, Montana Code Annotated.

(b) "Urban renewal area" means a blighted area that the Commission has designated as appropriate for an urban renewal project or projects.

(c) "Urban renewal district" means an area that the Commission has established as an urban renewal area.

(d) "Urban renewal plan" means a plan for an urban renewal area/district adopted by the Commission in accordance with the provisions of this Ordinance in conformance with the Bozeman Community Plan which describes potential projects or programs.

(e) "Urban renewal project or program" means undertakings or activities of the City in an urban renewal area for the elimination and for the prevention of the development or spread of blight and may involve redevelopment in an urban renewal area, rehabilitation or conservation in an urban renewal area, or any combination or part of redevelopment, rehabilitation, or conservation in accordance with an urban renewal plan.

(f) "Bozeman Midtown Urban Renewal District" means the North Seventh Avenue urban renewal district created pursuant to Ordinance 1685 and the expanded urban renewal area/district established by this Ordinance, consisting of a continuous area within

an accurately described boundary, zoned in accordance and planned in conformance with the Bozeman Community Plan, and is found to be a blighted area.

### **Section 3**

#### **Establishment and Creation of the District.**

The Bozeman Midtown Urban Renewal District (the “District”) is hereby established and created.

### **Section 4**

#### **Name of the District.**

The name of the District shall hereby be the Bozeman Midtown Urban Renewal District.

### **Section 5**

#### **District Plan.**

The Bozeman Midtown Urban Renewal District Plan, attached as Exhibit “A”, is hereby adopted.

### **Section 6**

#### **Base Year.**

For the purpose of calculating the incremental taxable value for each year of the life of the expanded areas of the District, the base taxable value shall be calculated as the taxable value of all real and personal property within the expanded areas of the Midtown URD, as of January 1, 2015. The original North Seventh Avenue Urban Renewal District will maintain its original base year of January 1, 2006 as established by adoption of Ordinance No. 1685 with an effective date of December 27, 2006.

### **Section 7**

#### **Tax Increment Provision.**

Gallatin County is hereby authorized to segregate, as received, the tax increment derived in the District, and use and deposit such increment into the District Fund for use as authorized by the Act and as authorized herein or by the Commission from time to time.

### **Section 8**

#### **Costs That May be Paid From Tax Increments.**

The tax increments received from the District may be used to directly pay costs of approved urban renewal projects, or to pay debt service on bonds issued to finance urban renewal projects as defined under the Montana Urban Renewal Law as may from time to time be approved by the Commission. The Commission hereby authorizes the use of tax increment in the District to be used to pay debt service on internal and bank financed loans issued to finance all or a portion of the costs of eligible improvements in compliance with the Montana Urban Renewal Law and subject to any limitations imposed by the Montana Constitution.

### **Section 9**

#### **Extent of Power.**

Pursuant to Section 2.07.010, the Bozeman Municipal Code prohibits eminent domain for economic development. Notwithstanding any other provision of law, neither the city nor any of its subdivisions shall use eminent domain to take private property for economic development without the consent of the owner. The term "economic development" means the use of powers of eminent domain to acquire private property for private use in the implementation of an urban renewal project or similar redevelopment plan.

**Section 10**

**Term of the Tax Increment Financing Provision.**

The tax increment financing provision of the District will terminate in accordance with state law. After termination of the tax increment financing provision, all taxes shall continue to be levied upon the actual taxable value of the taxable property in the District, but shall be paid into funds of the taxing bodies levying taxes within the District.

**Section 11**

**Effect of Urban Renewal Project or Program.**

The creation of an Urban Renewal project or program or the approval of an Urban Renewal project or program does not affect, abrogate or supersede any rules, ordinances, or regulations of the City relating to zoning, building permits, or any other matters.

**Section 12**

**Code Amendment.**

That the Bozeman Municipal Code be amended by revising Section 2.05.1830 to read as follows:

Sec. 2.05.1830. - Bozeman Midtown urban renewal board. ~~North Seventh Avenue urban renewal board.~~

There hereby exists a North Seventh Avenue urban renewal district board created pursuant to Ordinance 1685 for the implementation and administration of the North Seventh Avenue urban renewal district. The North Seventh Avenue urban renewal district board is hereby renamed the Bozeman Midtown urban renewal district board pursuant to Ordinance 1925 for the implementation and administration of the Bozeman Midtown urban renewal district.

(Ord. No. 1861, §§ 2, 3, 6-3-2013)

### **Section 13**

#### **Code Amendment.**

That the Bozeman Municipal Code be amended by revising Section 2.06.1330 to read as follows:

Sec. 2.06.1330. – Bozeman Midtown urban renewal district. ~~North Seventh Avenue urban renewal board.~~

There hereby exists a North Seventh Avenue urban renewal district created pursuant to Ordinance 1685. The North Seventh Avenue urban renewal district is hereby expanded and renamed the Bozeman Midtown urban renewal district pursuant to Ordinance 1925.  
(Ord. No. 1862, §§ 2, 3, 6-3-2013 )

### **Section 14**

#### **Repealer.**

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

### **Section 15**

#### **Savings Provision.**

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

**Section 16**

**Severability.**

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

**Section 17**

**Codification.**

This Ordinance shall be codified as indicated in Section 12 – 13.

**Section 18**

**Effective Date.**

This ordinance shall be in full force and effect thirty (30) days after final adoption.

**PROVISIONALLY ADOPTED** by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 2nd day of November, 2015.

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**JEFFREY K. KRAUSS**  
Mayor

ATTEST:

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**STACY ULMEN, CMC**  
City Clerk

**FINALLY PASSED, ADOPTED AND APPROVED** by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the 16th of November, 2015. The effective date of this ordinance is December 16, 2015.

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**JEFFREY K. KRAUSS**  
Mayor

ATTEST:

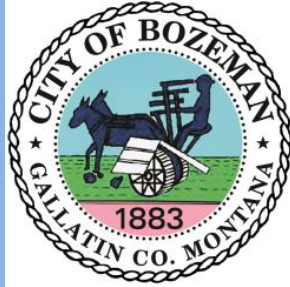
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**STACY ULMEN, CMC**  
City Clerk

APPROVED AS TO FORM:

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**GREG SULLIVAN**  
City Attorney



# BOZEMAN MIDTOWN URBAN RENEWAL DISTRICT



**DECEMBER 2015**



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## Chapter 1. Introduction and Overview

In February 2005, the Bozeman City Commission directed city staff, pursuant to the provisions of the State of Montana Urban Renewal Law, to examine conditions along North 7<sup>th</sup> Avenue and adjacent lands, in the midtown area of the City of Bozeman and report to the City Commission as to “the need for, desirability of, and feasibility of creating an urban renewal program”.

The area examined was largely comprised of automobile oriented, strip commercial development built on and adjacent to North 7<sup>th</sup> Avenue in the 1960’s and 70’s, in response to transportation-related improvements to Interstate 90 and Oak Street. These improvements have significantly influenced the platting of land and land-use, access, traffic and circulation, and development patterns in the area. In addition to the primary commercial corridor, portions of the residential neighborhoods that adjoin the North 7<sup>th</sup> Avenue to the east and west were also examined. These areas were included in order to assure that any proposed urban renewal activities in the North 7<sup>th</sup> Avenue corridor would carefully consider issues associated with these well-established residential areas.

More particularly, the area that was studied in 2005 included *“the commercially zoned property between North 5<sup>th</sup> Avenue and North 8<sup>th</sup> Avenue from Main Street north to the city limits, vacant R-4 zoned parcels between Tamarack Street and Oak Street from North 5<sup>th</sup> Avenue to North 3<sup>rd</sup> Avenue right of way extended, and a commercially zoned parcel north of Oak Street between North 3<sup>rd</sup> Avenue right of way extended, and a commercially zoned parcel north of Oak Street between North 3<sup>rd</sup> Avenue right of way extended and the North Black Avenue alignment. Between West Main Street and West Lamme Street, the original study area extended east only as far as a point roughly mid-block between North 7<sup>th</sup> and North 5<sup>th</sup> Avenues.”*

The information gathered in the 2005 investigation indicated that the area was eligible for designation as an urban renewal district (URD) under 7-15-4201 et. seq MCA (the Montana Urban Renewal Law), primarily due to:

- the defective or inadequate street layout identified within the study area
- instances of known deterioration
- inadequate provisions and/or age obsolescence of the following public improvements within the study area: storm drain, streets and sidewalks
- instances of age obsolescence of buildings within the study area
- inappropriate or mixed uses of land or buildings
- deterioration of site; and improper subdivision or obsolete platting

Based on these findings, the City Commission adopted Resolution 3839, a Resolution of Necessity, in August of 2005 and subsequently approved Ordinance 1685, on November 27, 2006. The ordinance created the North Seventh Avenue Urban Renewal District and adopted the North Seventh Avenue Urban Renewal District Plan with a provision for tax increment financing, to be calculated using a base year of 2006. The Commission established a North Seventh Avenue Urban Renewal Board (NSURB) to serve in an advisory capacity to the

Commission in planning for, implementing and administrating a program of rehabilitation and revitalization for the District.

The 2006 Plan notes that the North 7th Avenue is a vital part of the City of Bozeman and is an established entryway corridor that extends from I-90 south to Main Street. In the city's rating system, this is a Class II corridor, which is automobile-oriented; however, it has the potential to become more pedestrian-oriented while serving its arterial function. It serves as a major circulation corridor and is home for a variety of businesses that contribute to the vitality of the community. Historically, it served as the first north-south corridor for automobiles in the City and was the community's first connection to Interstate 90. Visitors and residents alike recall a lovely tree-lined avenue that served as a gateway to Montana State University.

However, important as it is today, North 7<sup>th</sup> Avenue's full potential has not been fully realized. While the North Seventh Avenue Urban Renewal program has supported revitalization activities in the district, some issues remain. These include the lack of connection to other parts of the city and the failure to diversify the types of uses and achieve the degree of intensity of development that could occur. A key objective of the Plan was to establish a district identity for the corridor and the subareas within it. This objective has been partially met through the installation of trees, boulevards and other elements in a portion of the corridor in recent years, but the area remains without a unifying identity.

In March of 2015, the City Commission provided funding for the NSURB to examine several areas adjacent to the North Seventh Avenue Urban Renewal District, to determine whether the district could be expanded in order to better meet its goals and objectives. The NSURB had become concerned that the failure to address blighted conditions in these areas had stymied rehabilitation and redevelopment within the existing district. In addition, the existing North Seventh Avenue Urban Renewal District was, in some places, only one block from the Downtown Area Urban Renewal District, further exacerbating the lack of connectivity between the two areas. While the area in between was characterized by the same conditions that were present in both districts, it could not take advantage of ongoing urban renewal programs.

The NSURB directed that seven areas, adjacent to the existing urban renewal district, be evaluated as to whether it would be appropriate to expand the district to include all or some of these areas. These areas are as follows:

**1. Southern Boundary Area, North Side of West Main Street** - An area on the east side of the southern boundary of the urban renewal district was reviewed. It is bounded by Lamme Street on the north, West Main Street on the south, North 3<sup>rd</sup> Avenue on the east and North 6th Avenue on the west. This area is located between two existing urban renewal districts, the North Seventh Avenue and the Downtown Urban Renewal Districts. The



conditions of blight in this area are similar to those found inside each of these districts.

**2. Southern Boundary Area, South Side of West Main Street** – An area located just south of the southern boundary of the North Seventh Avenue Urban Renewal District was examined. It is bounded on the north by West Main Street, on the south by West Babcock Street, on the west by South 9th Avenue and on the east by South 5th Avenue. This area exhibits conditions of blight similar to the two adjacent urban renewal districts and exclusion has resulted in limited reinvestment.

**3. The Whittier School Remainder** – While some of the Whittier School property is in the original district, a portion of the property owned by the School District was not included. The area is directly south and southwest of the Whittier School and includes the playground and the school parking lot.

**4. East Side Property** – This area is located to the east of the existing urban renewal district and is bounded on the north by Tamarack Street, on the south by Peach Street, on the west by North 5<sup>th</sup> Avenue and on the east by North 3<sup>rd</sup> Avenue. The area includes an improved BMX Park that has seen significant use and public investment in recent years. However, the overall area of the East Side Property exhibits a number of blighted conditions.



**5. West Side Property** – This parcel of land is bounded on the north by Oak Street, the south by Durston Road, on the east by what would be 8<sup>th</sup> Avenue and on the west by the future 11<sup>th</sup> Avenue, excluding Royal Vista, Royal Vista Addition, Royal Court and the west end of Birch. It directly abuts properties that front on the west side of North 7<sup>th</sup> Avenue. It is largely vacant and lacks adequate infrastructure and provides no access to areas to the west. In effect, it forms a barrier between the urban renewal district and the neighborhoods to the west. This in turn negatively affects revitalization efforts.

**6. Northwest Site** – This site is bounded on the south by Patrick Street, on the north by Baxter Lane, on the east by 11<sup>th</sup> Avenue and on the west by 15<sup>th</sup> Avenue. It is adjacent to several area hotels, but is largely vacant, and underutilized.

**7. Murdoch's Annexation Property** – This site is comprised of 3.889 acres located on the north side of Murdoch's, and addressed as 2507 and 2511 North 7th Avenue. This area is located between the existing North Seventh Avenue Urban Renewal District and an existing tax increment financing industrial district. Its exclusion has made it ineligible to benefit from various urban renewal and infrastructure programs.

The investigation's findings revealed that these areas exhibited conditions of blight as defined in the Montana Urban Renewal Law and that the improvement of these areas would benefit the

overall North Seventh Avenue Urban Renewal program. On September 14, 2015, the Bozeman City Commission, with support from the NSURB, adopted Resolution 4639, a Resolution of Necessity, finding that “the rehabilitation, redevelopment, or both of an area or areas are necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality.” (7-15-4210 MCA) This in turn, provided the basis for amending the existing urban renewal plan and district boundary to include any or all of these areas which were identified in the Resolution.

Therefore this urban renewal plan amends the existing North Seventh Avenue Urban Renewal District to incorporate these additional areas. The ordinance adopting the amended plan and district boundary will also establish a new name for the District. It will be known as the **Bozeman Midtown Urban Renewal District**, to more accurately reflect the size and location of the areas included.

### **Statement of Purpose – Bozeman Midtown Urban Renewal District Plan**

To address blighted conditions in the Midtown area, the City of Bozeman is continuing its program of redevelopment and revitalization within and adjacent to the North 7<sup>th</sup> Avenue corridor through the expansion of the urban renewal district. The new district boundary and amended plan will be adopted by ordinance, which will provide for a new name for the district – the Bozeman Midtown Urban Renewal District. The Plan includes a provision to use tax increment financing, as funds become available, in addition to other resources in implementing its goals and strategies.

The Plan provides a context for activities that will be undertaken by a variety of public and private entities. It recommends a series of programs and projects that may be undertaken by the local government to encourage reinvestment in the district, which will in turn address conditions that have diminished the environmental, economic and cultural well being of the area over time.

Although the Montana Urban Renewal Law recognizes that eliminating the conditions that are referred to as urban blight is a matter of general public interest, this Plan has been developed, based on the underlying principle that it is the citizens who work, reside and own property in the area who will be engaged directly in the revitalization effort.

### **Guiding Principles**

This Urban Renewal Plan is a reflection of sound public policy and thoughtful planning. To this end the following principles, further described in Chapter 6, will guide revitalization and redevelopment efforts in the URD.

- ✓ Readiness
- ✓ Leveraging
- ✓ Design
- ✓ Public-Private Partnerships

### **Tax Increment Financing**

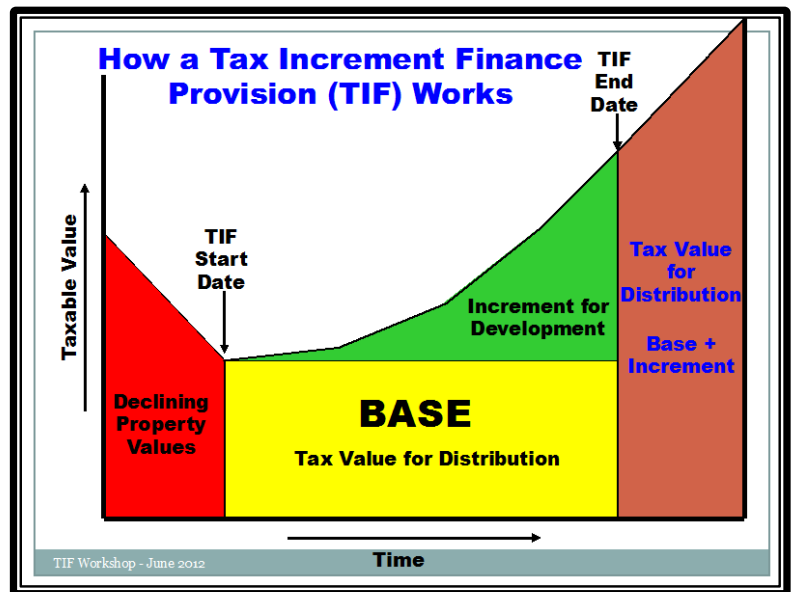
The City of Bozeman will continue to utilize Tax Increment Financing (TIF) in conjunction with other funding sources to help foster revitalization within the Midtown URD. The base year for

the purposes of measuring any incremental value within the original district boundaries will continue to be 2006, while the base year for the expanded portions of the district will be 2015.

Tax Increment Financing is a state authorized, locally driven funding mechanism that allows cities and counties to direct property tax dollars that accrue from new development, within a specifically designated *district*, to community and economic development activities. In Montana, TIF districts are authorized in parts 7-15-4201 and 4301, et. seq Montana Code Annotated (MCA), the State’s Urban Renewal Law.

TIF districts are typically characterized by conditions that are defined as blight and/or infrastructure deficiencies that have limited or prohibited new investment. A base year is established from which "incremental" increases in property values are measured. Virtually all of the resulting new property tax dollars (with the exception of the six mill state-wide university levy) can be directed to redevelopment and economic revitalization activities within the area in which they are generated.

Taxpayers located within a TIF district pay the same amount as they would if the property were located outside the district. TIF only affects the way that taxes, once collected, are distributed. Taxes that are derived from base year taxable values continue to be distributed to the various taxing jurisdictions – local and state government entities and school districts. Taxes derived from the incremental increase in taxable value are placed in a special fund for purposes set forth in an Urban Renewal Plan.



Tax Increment Financing Schematic

Tax Increment Financing Districts are authorized for 15 years, but may be extended for up to an additional 25 years if TIF revenue bonds are sold any time during the first 15 years. Funds may be used for a variety of purposes as provided for in 7-15-4288 MCA and include improvements to vehicular and pedestrian transportation infrastructure, streetscapes, parks and landscaping, water and sewer lines and for connecting to infrastructure outside the district. While funds are typically used for public infrastructure investments, there are instances where local governments have used TIF funds to partner with private property owners to make improvements to historic buildings, to address life-safety issues and to enhance landscaping. The statutes also provide for the establishment of a TIF revolving loan program that can support private investment in the TIF District. Loan funds can continue to “revolve” beyond the life of the District.

In order to proceed with the expansion of the district, formerly known as the North Seventh Avenue URD, the City of Bozeman was required to provide documentation that blighted

conditions exist within the district and pass a Resolution of Necessity to address blighted conditions. The Montana Urban Renewal law states in 7-15-4210 MCA, that a municipality may not exercise any of the powers authorized by part 42 and 43 until after its local governing body has adopted a resolution finding that:

- (1) one or more blighted areas exist in the municipality as documented by the presence of at least three blighted conditions; and
- (2) the rehabilitation, redevelopment, or both of an area or areas are necessary in the interest of the public health, safety, morals, or welfare of the residents of the municipality.

As noted above, the Resolution of Necessity – City of Bozeman Resolution 4639 was adopted on September 14, 2015.

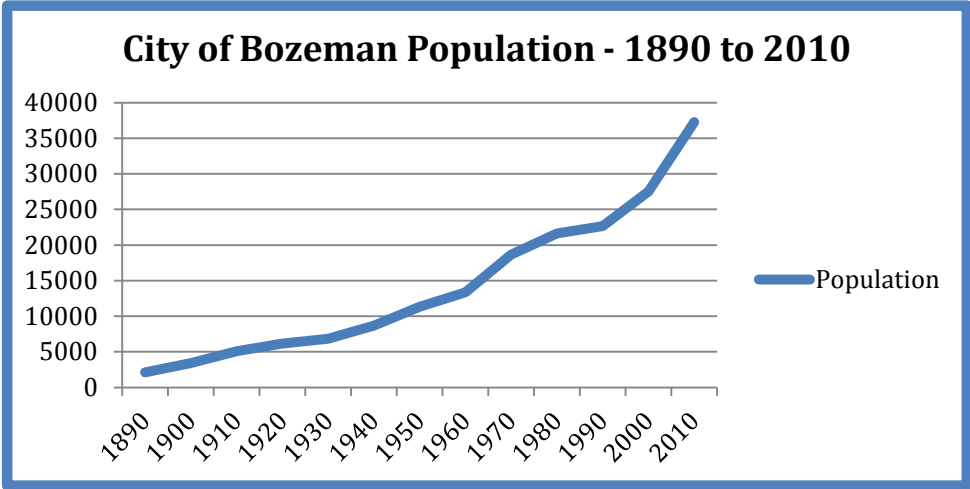
## Chapter 2. Description of the Bozeman Midtown Urban Renewal District

### The Setting

The City of Bozeman is the county seat of Gallatin County located in southwest Montana. The City is named for John M. Bozeman who established the Bozeman Trail and was a key founder of the town in August 1864. The town became incorporated in April 1883 with a city council form of government and later in January 1922 transitioned to a city manager/city commission form of government. Bozeman residents approved a City Charter in the November 2006 general election. Bozeman was elected an All-America City in 2001 by the National Civic League. Bozeman is home to Montana State University and is served by Bozeman Yellowstone International Airport. (Wikipedia)

### Demographic and Economic Information

The City of Bozeman is growing. According to 2014 Census estimates, there are 41,660 people living in the City of Bozeman, significantly higher than the 2010 Census figure of 37,280. The county’s population is projected to experience continued growth through 2060, from 97,197 in 2015 to 145,389 in 2060, an increase of nearly 50% (Montana Economic and Information Center). Census information, recorded over a one hundred year period, beginning in 1910, indicates that the City’s population has grown rapidly since 1950. The following figure presents population data for the City from 1910 to 2010, based on the decennial census.



Source: Montana Census and Economic Information Center

However, despite rapid growth, the City’s poverty rate at 21.2% is significantly higher than the poverty rates for Gallatin County, Montana and the nation, which are 14.1%, 15.2% and 15.4% respectively. (American Community Survey – ACS, 2009-2013).

Median Household Income for residents living in Bozeman is \$44,615, lower than the County’s median, which is \$52,833 and somewhat lower than the state, at \$46,230 and the nation, at \$53,046 (ACS, 2009-2013). The following table shows employment in the City of Bozeman by industry. The “Educational services, health care and social assistance” sector employs the most people, followed by “arts, entertainment, and recreation, and accommodation and food services” and “retail trade”.



<b>EMPLOYMENT BY INDUSTRY CITY OF BOZEMAN SOURCE: ACS 2009-2013</b>	<b>ESTIMATE</b>	<b>MARGIN OF ERROR</b>	<b>PERCENT PERCENT</b>	<b>PERCENT MARGIN OF ERROR</b>
<b>Civilian employed population 16 years and over</b>	21,647	+/-580	21,647	(X)
<b>Agriculture, forestry, fishing and hunting, and mining</b>	499	+/-138	2.3%	+/-0.6
<b>Construction</b>	1,247	+/-244	5.8%	+/-1.1
<b>Manufacturing</b>	1,369	+/-298	6.3%	+/-1.3
<b>Wholesale trade</b>	484	+/-154	2.2%	+/-0.7
<b>Retail trade</b>	2,951	+/-415	13.6%	+/-2.0
<b>Transportation and warehousing, and utilities</b>	485	+/-168	2.2%	+/-0.8
<b>Information</b>	293	+/-125	1.4%	+/-0.6
<b>Finance and insurance, and real estate and rental and leasing</b>	1,132	+/-309	5.2%	+/-1.4
<b>Professional, scientific, and management, and administrative and waste management services</b>	2,613	+/-609	12.1%	+/-2.7
<b>Educational services, and health care and social assistance</b>	5,544	+/-439	25.6%	+/-2.1
<b>Arts, entertainment, and recreation, and accommodation and food services</b>	3,385	+/-472	15.6%	+/-2.1
<b>Other services, except public administration</b>	895	+/-210	4.1%	+/-1.0
<b>Public administration</b>	750	+/-306	3.5%	+/-1.4

### Urban Renewal Area Description

As noted above, the original North Seventh Avenue Urban Renewal District includes the North 7<sup>th</sup> Avenue corridor and portions of adjacent neighborhoods to the east and west. The following brief history of the area is taken from a 2013 article in Bozeman Magazine written by Courtney Kramer, entitled *Wrapping Signal Boxes In History*.

“North Seventh Avenue became an entryway to Bozeman during the mid-20th century, when automobile transportation eclipsed streetcars and trains. First as the road to Belgrade, then as a connection to Interstate 90, North Seventh Avenue developed as a car-oriented commercial area. In fact, for a short time in the early 1960s, travelers had to detour from I-90, south on Seventh Avenue, then East on Main and back onto I-90 while the road section between the North Seventh and East Main interchanges was under construction. As a result, motor court hotels (later shortened to “motels”) like the Rainbow Motel, the Royal Seven and the Rambler Motel (now known as the Bozeman Inn) developed to provide lodging facilities for travelers. Across I-90 the Starlight Drive-In provided a venue for movie-viewing from the comfort of the family car.” (bozemanmagazine.com/articles/2013/12/31/22635\_wrapping-signal-boxes-in-history)

As noted above, today the corridor is a key community entryway, connecting Interstate 90 with Bozeman’s core, particularly the downtown and the Montana State University Campus. While North 7<sup>th</sup> Avenue originally featured street trees along most of the corridor, road reconstruction and the building of off-street parking required the removal of the trees over time.

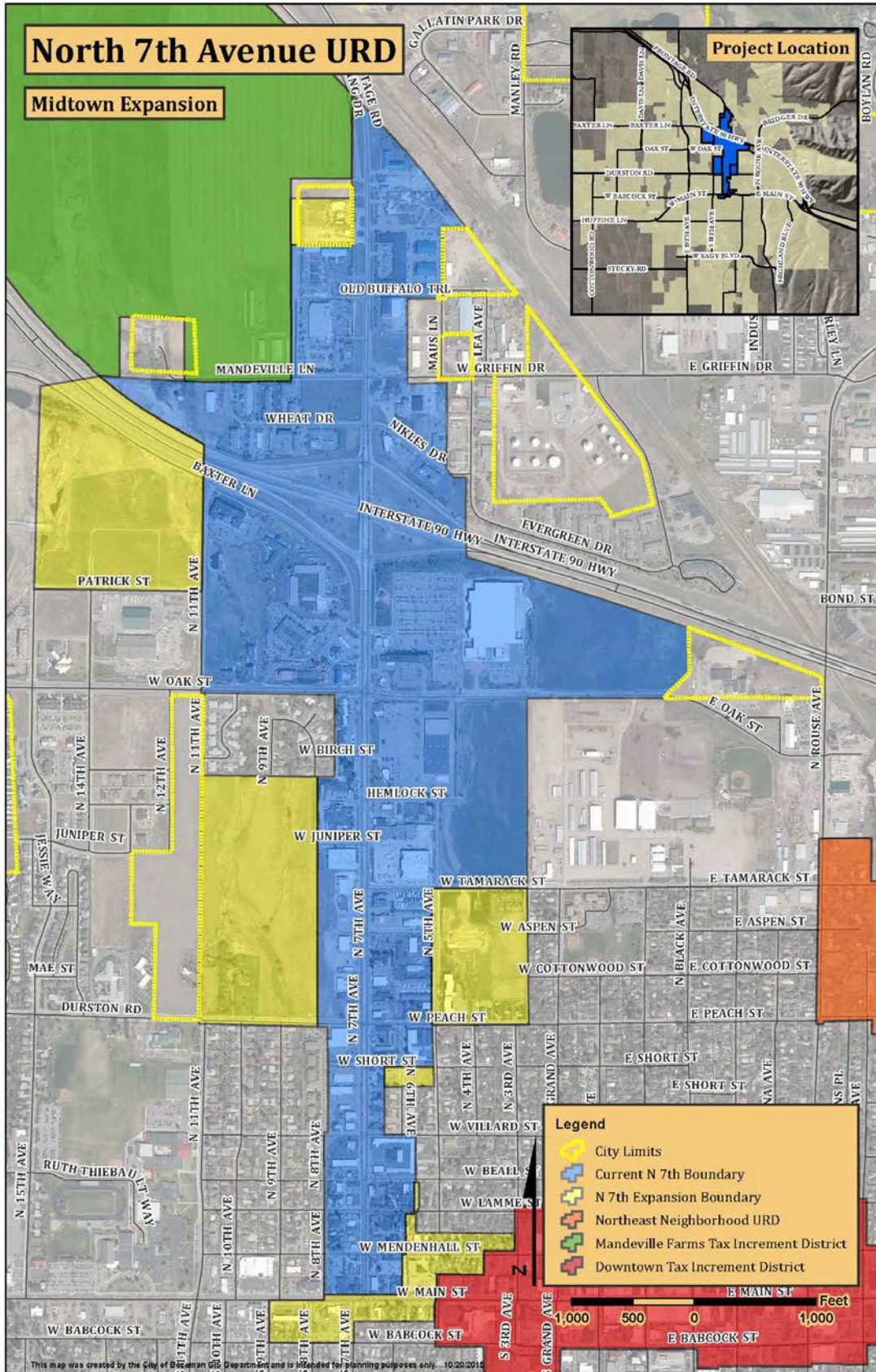
### **Land Use in the Urban Renewal Area**

Generally, the Bozeman Midtown Urban Renewal District is characterized by a mixture of strip commercial (including big box stores, fast food restaurants, and motels), adjacent residential and some light industrial uses. As noted above, the core of the area is largely comprised of automobile oriented, strip commercial development built on and adjacent to North 7<sup>th</sup> Avenue in the 1960's and 70's, in response to transportation-related improvements to Interstate 90 and Oak Street. These improvements have significantly influenced the platting of land and land-use, access, traffic and circulation, and development patterns in the area. Residential properties include a mix of single- and multi-family dwellings. The Whittier School is located in the eastern portion district and serves area neighborhoods. The expansion areas include large vacant parcels, some park / open space lands and properties excluded from other TIF districts. Development of these areas has been limited by the lack of connectivity in the road system as well as other public infrastructure.

### **Map of the North Seventh Avenue Urban Renewal District and Expansion Areas**

The existing North Seventh Avenue Urban Renewal area is shown in blue on the map below with each expansion area shown in yellow on the same map below. An enlarged map of each expansion areas is found starting on page 13.

These maps are intended for visual display purposes and to assist the Montana Department of Revenue with certification. The accuracy of these maps shall not affect, impair or nullify this plan or the adoption process for this Urban Renewal District.



### **Legal Description of the Original North Seventh Avenue Urban Renewal District**

Beginning at the point of the southeast corner of Lot 7 Block 1 of the Springbrook Addition thence westerly approximately 270 feet to the southwest corner of Lot 17 Block 1 of the Springbrook Addition, thence westerly approximately 30 feet to the centerline of North 8<sup>th</sup> Avenue, thence northerly approximately 1,292 feet to the centerline of West Villard Street thence easterly approximately 30 feet to the southwest corner of Lot 8 of the Durston Subdivision, thence northerly approximately 665 feet, thence westerly approximately 4 feet, thence northerly approximately 214 feet to the centerline of West Peach Street, thence westerly approximately 65 feet to the southwest corner of Lot 18 Block 1 of Durstons Second Subdivision, thence northerly approximately 1980 feet to the southwest corner of Lot 3 Block 2 of the Vista Addition, thence easterly approximately 150 feet to the southwest corner of Lot 2 Block 2 Vista Subdivision, thence northerly approximately 645 feet to the northwest corner of Lot 14 Block 1 Vista Addition, thence westerly approximately 1246 feet along the southern boundary of the Oak Street right-of-way to the northwest corner of Tract 1 of C.O.S. 2082, thence northerly approximately 1706 feet down the centerline of North 11<sup>th</sup> Avenue to the south boundary of the Baxter Lane right-of-way, thence northerly approximately 70 feet across the Baxter Lane right-of-way, thence northerly approximately 170 feet across the MDOT right-of-way for Interstate 90 to the southwest corner of Lot 2 of the Wheat Commercial Subdivision, thence northwesterly approximately 1000 feet along the southern boundary of Tract A of C.O.S. 391A to the westernmost point, thence easterly approximately 800 feet to the northwest corner of Lot 1 of the Wheat Commercial Subdivision, thence easterly approximately 789 feet to a point approximately 25 feet from the northeast corner of Lot 12 of the Wheat Commercial Subdivision, thence northerly approximately 965 feet to the northwest corner of Lot 3 of the Gordon Mandeville School Section Subdivision, thence easterly approximately 440 feet to the west boundary of the North 7<sup>th</sup> Avenue right-of-way boundary , thence northerly approximately 1760 feet to a point where the west boundary of the North 7<sup>th</sup> Avenue right-of-way intersects the Burlington Northern right-of-way, thence southeasterly approximately 1,408 feet along the Burlington Northern right-of-way to the southeast corner of Lot 18A of the Amended Plat of the Gordon Mandeville State School Section Subdivision, thence westerly approximately 200 feet to the northeast corner of Lot 17 of the Gordon Mandeville School Section Subdivision, thence southerly approximately 481 feet to the southwest corner of Lot 20 of the Gordon Mandeville School Section Subdivision, thence southwesterly approximately 107 feet to the southeast corner of Lot 16 of the Gordon Mandeville School Section Subdivision, thence westerly approximately 260 feet to the northeast corner of Lot 15B of Minor Subdivision #49, thence southerly approximately 686 feet to a point along the north boundary of Lot 20 of the Industrial Park Subdivision approximately 20 feet west of the northeast corner of said lot, thence westerly approximately 340 feet to the northeast corner of Lot 22 of the Industrial Park Subdivision, thence southerly approximately 698 feet to the southwest corner of Lot 14 of the Industrial Park Subdivision, thence southeasterly approximately 100 feet to the northwest corner of Lot 3A of the Industrial Park Subdivision, thence southerly approximately 550 feet along the east boundary of Lot 3A of the Industrial Park Subdivision across the MDOT right-of-way of Interstate 90 to a point along the north boundary of Lot 1 of Minor Subdivision #109 approximately 486 feet from the northeast corner of said lot, thence southeasterly approximately 486 feet to the northeast corner of Lot 1 of Minor Subdivision #109, thence southeasterly along the MDOT right-of-way for Interstate 90 S72°17'38"E a distance of 324.41 feet and along a non-tangent curve to the right

having a radial bearing of S17°44'19"W and a radius of 22,795.00 feet a distance of 1096.81 feet to the northwest corner of Tract 2 of Certificate of Survey No. 2128B; thence along the westerly line of said Tract 2 S01°26'44"E a distance of 372.92 feet and S47°04'50"W a distance of 207.62 feet to a point on the north right-of-way line of West Oak Street, thence westerly approximately 1111' to the centerline of North 3<sup>rd</sup> Avenue, thence southerly approximately 1523 feet to the centerline of West Tamarack Street, thence westerly approximately 776 feet to a point approximately 30 feet north of the northwest corner of Lot 11 Block 2 of the 7<sup>th</sup> Addition, thence southerly approximately 1443 feet along the west side of the right-of-way for North 5<sup>th</sup> Avenue to the southeast corner of Lot 6 Block 1 of the Violet Addition, thence westerly approximately 401 feet to the centerline of the alleyway intersection of West Short Street, thence southerly approximately 522 feet to the centerline of West Villard Street, thence easterly approximately 249 feet to a point approximately 30 feet north of the northwest corner of Lot 6 Block 2 of Border Tract 13, thence southerly approximately 30 feet to the northwest corner of Lot 6 Block 2 of Border Tract 13, thence southerly approximately 556 feet to the southeast corner of Lot 7 Block E Tracy's 3<sup>rd</sup> Addition, thence southerly approximately 30 feet to the centerline of West Lamme Street, thence westerly approximately 85 feet to a point approximately 30 feet north of the northeast corner of Lot 33 Block E Tracy's 2<sup>nd</sup> Addition, thence southerly approximately 68 feet to the southeast corner of Lot 10 Block E Tracy's Addition, thence westerly approximately 368 feet to the southeast corner of Lot 7 Block 1 of the Springbrook Addition, the point of beginning.

**Descriptions and Maps of the Expansion Areas.** This information is intended to assist the Montana Department of Revenue with certification. The accuracy of this information shall not affect, impair or nullify this plan or the adoption process for this Urban Renewal District.

**1. Southern Boundary Area, North Side of West Main Street** – This area is bounded by Lamme Street on the north, West Main Street on the south, North 3<sup>rd</sup> Avenue on the east and North 6<sup>th</sup> Avenue on the west.

Description: The Southern Boundary Area, North Side of West Main Street includes:

Lots 35-36, Block E, Tracy's 2<sup>nd</sup> Addition

Lots 1-7, and 10A, Block E, Tracy's 2<sup>nd</sup> Addition

Lots 1-21, Block D, Tracy's 2<sup>nd</sup> Addition

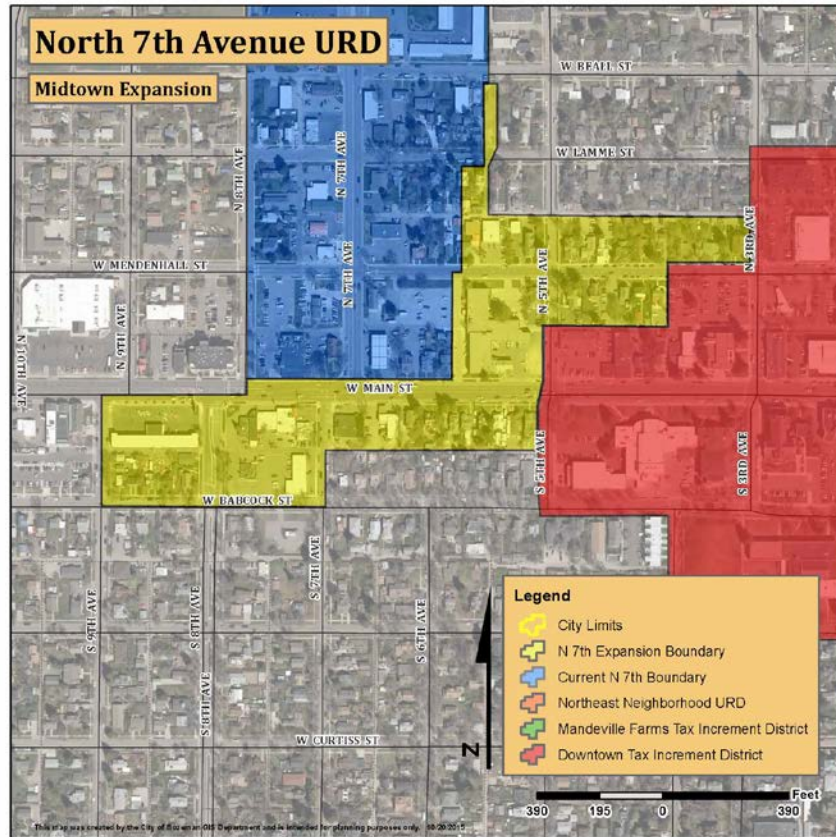
Lots 22-33, Block D, W.H. Tracy's Addition to Bozeman (Tracy's 1<sup>st</sup> Addition)

Lots 1-9, plus east ½ of Lot 10 and Lots 39-48, and vacated alley adjacent to lots 3-9 and Lots 40-46, Block E, W.H. Tracy's Addition to Bozeman (Tracy's 1<sup>st</sup> Addition)

**2. Southern Boundary Area, South Side of West Main Street** – This area is bounded on the north by West Main Street, on the south by West Babcock Street, on the west by South 9<sup>th</sup> Avenue and on the east by South 5<sup>th</sup> Avenue.

Description: The Southern Boundary Area, South Side of West Main Street include all of the parcels bound by West Main Street, 7<sup>th</sup> Avenue South, West Babcock Street and 9<sup>th</sup> Avenue South, including a vacated street; and Lots 1–21, Block E, Story Addition.

Map of Expansion Areas 1. and 2. Southern Boundary Area



**3. The Whittier School Remainder** – While some of the Whittier School property is in the original district, a portion of the property owned by the School District was not included. The area is directly south and southwest of the Whittier School and includes the playground and the school parking lot.

Description: Lots 1 and 2, Block 3 of the Violet Addition, and Lots 1 and 18 and the north 26 feet of Lots 2 and 17 of the Violet Addition plus the adjacent vacated alley.

**4. East Side Property** – This area is located to the east of the existing urban renewal district and is bounded on the north by Tamarack Street, on the south by Peach Street, on the west by North 5<sup>th</sup> Avenue and on the east by North 3<sup>rd</sup> Avenue.

Description: Parcels found in the block, located in the southeast quarter of the southeast quarter of Section 1, Township 2 South, Range 5 East, which is bordered on north by West Tamarack Street, on the south by West Peach Street, on the east by North 3<sup>rd</sup> Avenue, and on the west by North 5<sup>th</sup> Avenue.

Map of Expansion Areas 3. The Whittier School Remainder and 4. East Side Property



**5. West Side Property** – This parcel of land is bounded on the north by Oak Street, the south by Durston Road, on the east by what would be 8<sup>th</sup> Avenue and on the west by the future 11<sup>th</sup> Avenue, excluding Royal Vista, Royal Vista Addition, Royal Court and the west end of Birch. It directly abuts properties that front on the west side of North 7<sup>th</sup> Avenue.

Description

Parcels located within that portion of the west half of the southeast quarter of Section 1, Township 2 South, Range 5 East described as follow: Beginning at the South ¼ corner of Section 1, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana: thence northerly along the midsection line of said Section 1 a distance of 1999. 67 feet to the southwest corner of Tract 1, C.O.S. 2082; thence easterly along the south line of said Tract 1 and the south line of Royal Vista Addition a distance of 940 feet more or less the southwest corner of Lot 3 Block 2 of Royal Vista Addition, thence southerly a distance of 2000 feet more or less to the south section line of Section 1, thence westerly to the point of beginning.

Map of Expansion Area 5. West Side Property



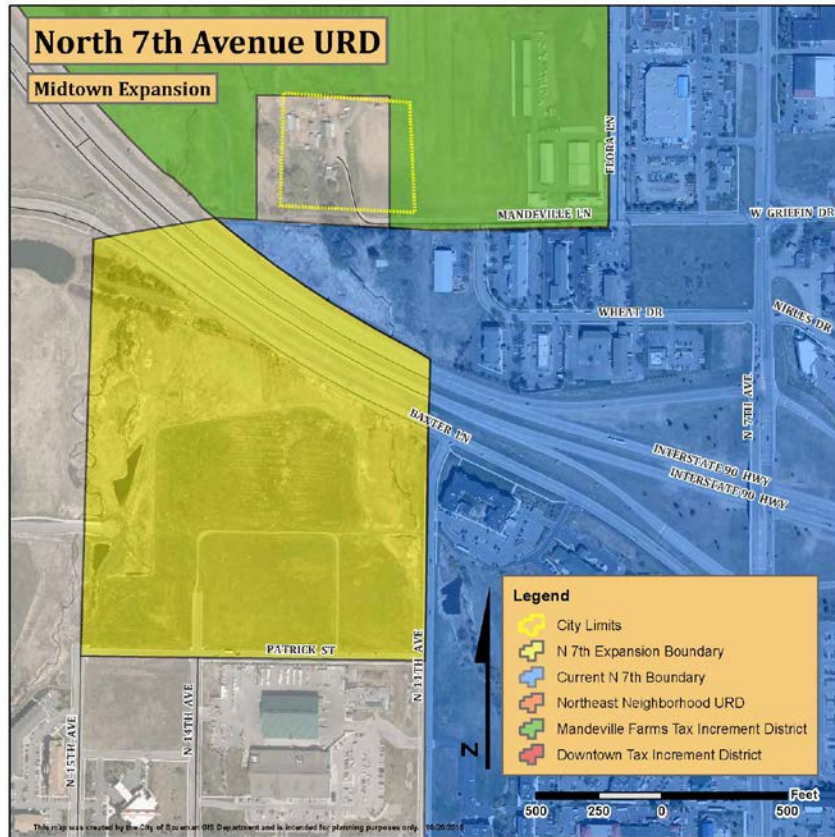
**6. Northwest Site** – This site is bounded on the south by Patrick Street, on the north by Baxter Lane, on the east by 11<sup>th</sup> Avenue and on the west by 15<sup>th</sup> Avenue.

Description

Parcels described as Lots 1, 2, and 3 of Block 3, Phase 2, and Lot 6(6a), Phase 1 PT Land Subdivision located in Section 1, Township 2 South, Range 5 East.



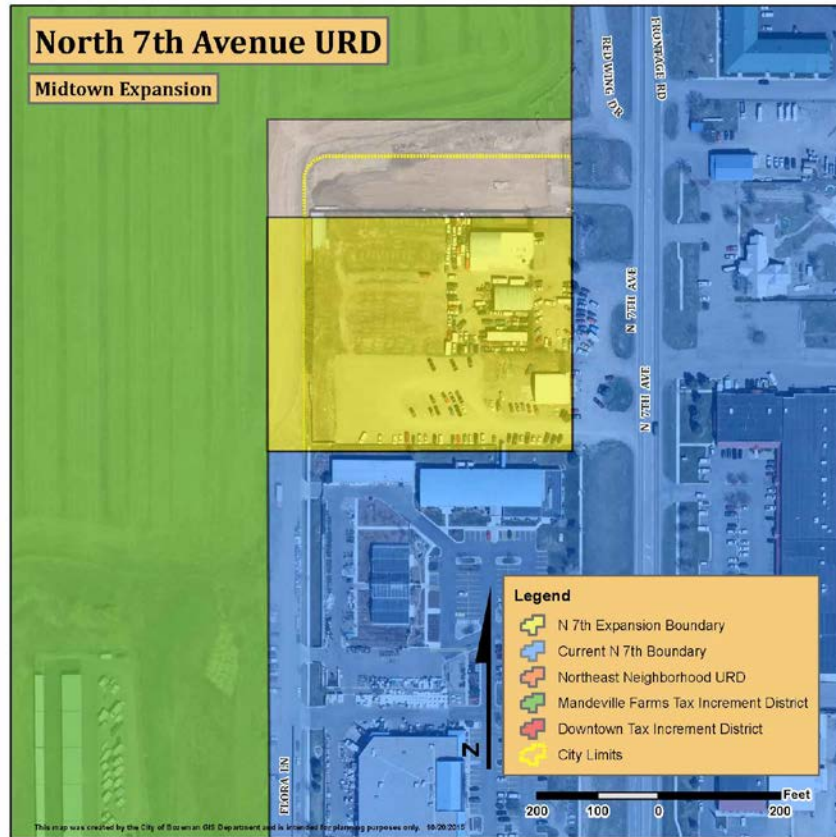
Map of Expansion Area 6. Northwest Site



**7. Murdoch’s Annexation Property** – This site is comprised of 3.889 acres located on the north side of Murdoch’s, and addressed as 2507 and 2511 North 7th Avenue.

Description: Tracts 5, 6, 9 and 10 of the Gordon Mandeville State School Subdivision, in Section 36, Township 1 South, Range 5 East.

Map of Expansion Area 7. Murdoch's Annexation Property



**Legal Description of the Bozeman Midtown Urban Renewal District**

Beginning at the South ¼ corner of Section 1, Township 2 South, Range 5 East, P.M.M., City of Bozeman, Gallatin County, Montana: thence northerly along the mid section line of said Section 1 a distance of 1999. 67 feet to the southwest corner of Tract 1, C.O.S. 2082; thence easterly along the south line of said Tract 1 and the south line of Royal Vista Addition a distance of 1034.42 feet to the centerline of the alley in Block 2 of Royal Vista Addition; thence northerly along said alley centerline a distance of 646.50 feet to the north line of Royal Vista Addition; thence westerly along said north line of Royal Vista Addition and the north line of Tract 1 of C.O.S. 2082 a distance of 1095.87 feet to the northwest corner of said Tract 1; thence northerly along the centerline of N. 11th Avenue a distance of 858 feet to the intersection of the centerline of N. 11th Avenue and the centerline of Patrick Street; thence westerly along the centerline of Patrick Street to the southwest corner of Lot 6, PT Lands Subdivision Phase 1; thence northerly along the west line of said Lot 6 a distance of 1644.04 feet to the northwest corner of said Lot 6; thence northeasterly across the right-of-way of Baxter Lane and Interstate Highway 90 a distance of 491 feet more or less to the northwest corner of Tract A, C.O.S. 391A; thence easterly along the north line of said Tract A a distance of 905.89 feet to the north ¼ corner of Section 1, Township 2 South, Range 5 East; thence easterly along the north line of said Section 1 a distance of 707.03 feet; thence northerly along the west line of Flora Lane a distance of 1485.41 to a point; thence easterly across Flora Lane and along the north line of Lots 6 and Lot 9 of Gordon

Mandeville State School Section Subdivision a distance of 440.0 feet to the west line of N. 7th Avenue (also known as U.S. Highway 10); thence northerly along said west line of N. 7th Avenue extended to a point on the southerly right-of-way of the Burlington Northern Railroad; thence southeasterly along said railroad right-of-way a distance of 254 feet more or less to the north corner of Tract 19B, Amended Plat E-38-D, Gordon Mandeville State School Section Subdivision; thence southeasterly along said railroad right-of-way a distance of 1119.74 feet to the northeast corner of Lot 20 of Gordon Mandeville State School Section Subdivision; thence westerly along the north line of said Lot 20 a distance of 198.88 feet to the northeast corner of Lot 17 of Gordon Mandeville State School Section Subdivision; thence southerly along the east line of Lots 17 and 16 of Gordon Mandeville State School Section Subdivision a distance of 609.35 feet; thence southwesterly along the east line of said Lot 16 a distance of 82.30 feet; thence southerly along the east line of said Lot 16 a distance of 25.00 feet; thence along the south line of said Lot 16 a distance of 247.35 feet; thence southerly along the west line of Lots 28 and 27 of Gordon Mandeville State School Section Subdivision a distance of 609.35 feet to the southwest corner of said Lot 27; thence southerly across the right-of-way of West Griffin Drive a distance of 85 feet to a point on the south line of West Griffin Drive, said point being 28.14 feet west of the northeast corner of Lot 20, McChesney Industrial Park Subdivision; thence easterly along the north lines of Lots 20, 21A, and 22 of McChesney Industrial Park Subdivision a distance of 328.14 feet to the northeast corner of said Lot 22; thence southerly along the east lines of Lots 22 and 15 of McChesney Industrial Park Subdivision a distance of 707.75 feet to the southeast corner of said Lot 15; thence southeasterly across the right-of-way of Nikles Drive a distance of 100 feet more or less to the northwest corner of Lot 3A of McChesney Industrial Park Subdivision; thence easterly along the north line of said Lot 3A a distance of 100 feet to the northeast corner of said Lot 3A; thence southerly along the east line of said Lot 3A a distance of 362.86 feet to the southeast corner of said Lot 3A; thence southerly across the right-of-way of Interstate Highway 90 a distance of 288 feet more or less to the north corner of Lot 1A of Minor Subdivision 109C, said point also being on the south right-of-way of Interstate Highway 90; thence southeasterly along said right-of-way a distance of 1942.55 feet to the northwest corner of Tract 2, C.O.S. 2128B; thence southerly along the west line of Tract 2, C.O.S. 2121B a distance of 372.92 feet; thence southwesterly a distance of 292.6 feet more or less to a point on the east-west mid-section line of Section 6, Township 2 South, Range 6 East, said point being 1117 feet east of the west ¼ corner of said Section 6; thence westerly along said mid-section line 1117 feet to the west ¼ corner of said Section 6; thence southerly a distance of 2663.4 feet to the southwest corner of Section 6, Township 2 South, Range 6 East, said point also being on the centerline of Peach Street; thence westerly along the centerline of Peach Street a distance of 777.35 feet to the west line of N. 5th Avenue; thence southerly along the west line of N. 5th Avenue a distance of 523.6 feet to the northeast corner of Lot 3, Block 4, Violett Addition; thence westerly along the north line of Lots 3 and 16 of Block 4, Violett Addition, a distance of 242.98 feet; thence northwesterly across the right-of-way of N. 6th Avenue a distance of 52 feet more or less to the southeast corner of Lot 2, Block 3, Violett Addition; thence westerly along the south line of said Lot 2 a distance of 117 feet to the centerline of the alley in Block 3, Violett Addition; thence southerly along said alley centerline a distance of 386 feet to the centerline of W. Villard Street; thence easterly along the centerline of W. Villard Street a distance of 253 feet; thence southerly along the extended west line of Block 6, Karpis Addition a distance of 388 feet to the south line of W. Beall Street; thence easterly along the south line of W. Beall Street a distance of 27.5 feet to the northwest corner of Lot 29, Block E, Tracys 3rd Addition; thence southerly along the west

lines of Lots 29, 25, and 5 of Block E, Tracys 3rd Addition to the southwest corner of said Lot 5; thence southwesterly across the right-of-way of W. Lamme Street a distance of 66 feet more or less to the northeast corner of Lot 36, Block E, Tracys 2nd Addition; thence southerly along the east line of said Lot 36 to a point on the centerline of the alley in Block E, Tracys 2nd Addition; thence easterly along the centerline of the alley in Block E and Block D of Tracys 2nd Addition to the west line of N. 3rd Avenue; thence southerly along the west line of N. 3rd Avenue to the southeast corner of Lot 1, Block D, Tracys 2nd Addition; thence westerly along the south line of said Block D to the southwest corner of Lot 9 of said Block D; thence southerly across the right-of-way of W. Mendenhall Street a distance of 56 feet more or less to the northeast corner of Lot 33, Block D, Tracys 1st Addition; thence southerly along the east line of said Lot 33 140 feet to the north line of the alley in Block D, Tracys 1st Addition; thence westerly along said north line of the alley 388 feet to the west right-of-way line of N. 5th Avenue; thence southerly along the west right-of-way line of N. 5th Avenue 160 feet to the north line of W. Main Street; thence southwesterly across the right-of-way of W. Main Street a distance of 93 feet more or less to northeast corner of Lot 1, Block E, Storys Addition; thence southerly along the east line of said Lot 1 a distance of 138 feet to a point on the centerline of the alley in Block E, Storys Addition; thence westerly along said alley centerline a distance of 660 feet to the centerline of S. 7th Avenue; thence southerly along the centerline of S. 7th Avenue a distance of 168 feet to the centerline of W. Babcock Street; thence westerly along the centerline of W. Babcock Street a distance of 690 feet to the centerline of S. 9th Avenue; thence northerly along the centerline of S. 9th Avenue a distance of 321 feet to the centerline of W. Main Street; thence easterly along the centerline of W. Main Street a distance of 445 feet to the centerline of N. 8th Avenue; thence northerly along the centerline of N. 8th Avenue a distance of 1373.8 feet to the north line of W. Villard Street; thence easterly 30 feet to the southeast corner of Lot 14C, Kibbey Plaza Subdivision; thence along the following courses along the east line of Kibbey Plaza Subdivision: northerly 665.1 feet, westerly 4.0 feet, and northerly 200.03 feet to the south line of Durston Road; thence westerly along the south line of Durston Road a distance of 1052.91 feet; thence northerly 32 feet to the South ¼ corner, Section 1, Township 2 South, Range 5 East, the point of beginning.

### **Parcels**

A list of parcels within the district was obtained from the Montana Department of Revenue to meet the requirements for mail notice and certification. The list of parcels included identifying geocodes and the following information.

- Property owners' names, property address and mailing addresses of all properties with geocodes for every property in the district.
- All centrally assessed properties and their geocodes within the district. An estimate of the number of miles of railroad tracks.
- Personal property within the district and the corresponding assessor codes
- Mobile homes/manufactured homes not attached to real property within the district and their assessor codes

This information is intended to help document notice requirements and assist the Montana Department of Revenue with certification. The veracity of this information, obtained from the Montana Department of Revenue, shall not affect, impair or nullify this plan or the adoption process for this Urban Renewal District.

## Chapter 3. Documentation of Blight

### Defining Blight

As noted above, according to 7-15-4210 MCA, a municipality may only adopt a Resolution of Necessity to create an urban renewal district, if at least three conditions of blight, as defined in 7-15-4206 MCA, exist in all or part of the area under consideration. Montana law sets forth the specific conditions that constitute blight. In particular, state statute defines a blighted area as one that substantially impairs or arrests the sound development of communities, or constitutes an economic or social liability.

Per 7-15-4206(2), MCA, a “blighted area” may be identified as such by reason of:

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- (c) inappropriate or mixed uses of land or buildings;
- (d) high density of population and overcrowding;
- (e) defective or inadequate street layout;
- (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (g) excessive land coverage;
- (h) unsanitary or unsafe conditions;
- (i) deterioration of site;
- (j) diversity of ownership;
- (k) tax or special assessment delinquency exceeding the fair value of the land;
- (l) defective or unusual conditions of title;
- (m) improper subdivision or obsolete platting;
- (n) the existence of conditions that endanger life or property by fire or other causes;  
or
- (o) any combination of the factors listed in this subsection (2).” (Montana Laws)

### Blighted Conditions in the Midtown area of Bozeman

Areas of blight as defined by 7-15-4206(2), MCA, exist within the Midtown area, which includes the existing North Seventh Avenue Urban Renewal District, associated with some or all of the following:

- physical dilapidation, deterioration, age obsolete structures and private improvements – with respect to but not limited to such things as buildings, facades, signage, irrigation, ADA compliance, parking facilities, paving, storm drainage, life safety and landscaping;
- physical dilapidation, deterioration, age obsolete quasi-public improvements – such as but not limited to overhead electric lines, gas lines, lack of or limited communication lines and services (broadband, dark fiber, etc.);
- physical dilapidation, deterioration, age obsolete public structures and improvements - with respect to but not limited to such things as buildings, life safety, signage, storm drainage, lighting, parks, landscaping, irrigation, playground equipment, fencing, parking facilities, paving, fire hydrants, streets, curbs, gutters, and sidewalks;

- inadequate provision of ventilation, light, proper sanitary facilities, or open spaces based on the building standards of the municipality – with respect to but not limited to such things as adequate landscaped areas, green space, gathering areas, event venues, parks, use of non-permanent sanitary facilities, street lighting, bike paths, and pedestrian trails;
- inappropriate or mixed uses of land or building - such as but not limited to low density or vacant lands in the urban core, industrial uses in commercial areas, vehicular focused uses in pedestrian centric areas, lack of connectivity to adjacent residential neighborhoods, and uses which are not in conformance, accordance or compliance with current plans, standards or codes;
- inappropriate density of population – such as but not limited to low density or vacant lands in the urban core, and density of land which is not in conformance, accordance or compliance with current plans, standards or codes;
- defective or inadequate street layout – including but not limited to dead end streets and sidewalks, incomplete streets, and lack of street lighting, lack of curb, gutter, or sidewalks;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness – including but not limited to large lots which need to be subdivided to be useful, lots that are too small to be useful, poor drainage and lots with excessive or undeveloped accesses not in conformance, accordance or compliance with current plans, standards or codes;
- inappropriate land coverage - including but not limited to low density or vacant lands in the urban core, and land coverage not in conformance, accordance or compliance with current plans, standards or codes
- unsanitary or unsafe conditions – including but not limited to uncontrolled accesses, deteriorating improvements, barb wire fencing, inadequate storm drainage and broken sidewalks;
- deterioration of site – including but not limited to broken or missing curb, gutter, sidewalks, paving, fencing, irrigation, landscaping, and signage not in conformance, accordance or compliance with a current plans, standards or codes;
- diversity of ownership – including but not limited to impediments to rehabilitation from multiple owners of a single property, estate ownership, and impediments to parcel consolidation for redevelopment due to ownership;
- tax or special assessment delinquency exceeding the fair value of the land
- defective or unusual conditions of title – including but not limited to “no build” restrictions on remainder parcels;
- improper subdivision or obsolete platting – including but not limited to remainder parcels, small lots, unsubdivided lots, and lots that are not in conformance, accordance or compliance with current plans, standards or codes;
- the existence of conditions that endanger life or property by fire or other causes – including but not limited to buildings or properties that may not meet life safety standards such as fire sprinklers, fire hydrants and ADA compliance; and
- any combination of the factors described above

### **Blighted Conditions in the Original North Seventh Avenue Urban Renewal District**

The Statement of Blight prepared as a basis for the creation of the North Seventh Urban Renewal District in 2006 specifically identified the following conditions of blight:

- The defective or inadequate street layout identified within the study area;
- Instances of known deterioration;
- Three inadequate provisions and/or age obsolescence of the following public improvements within the study area: storm drain, streets and sidewalks;
- Instances of age obsolescence of buildings within the study area;
- Inappropriate or mixed uses of land or buildings;
- Deterioration of site; and
- Improper subdivision or obsolete platting.

### **Blighted Conditions in the Expansion Areas**

The review of the areas identified for inclusion in the existing North Seventh Avenue Urban Renewal District revealed that these areas exhibited conditions of blight as defined in the Montana Urban Renewal Law. Following is a description of some of the blighted conditions that were identified in each of the areas examined.

**1. and 2. Southern Boundary Areas** – These areas, located between two existing urban renewal districts, the North Seventh Avenue and the Downtown Urban Renewal Districts were examined. The conditions of blight in these two areas are similar to those found inside each of these districts and their exclusion has resulted in diminished investment in parcels along this connecting corridor.



More particularly, the areas exhibit a number of blighted conditions including but are not limited to the following:

- Age obsolescence of buildings and improvements – Physically, these areas are suffering from deferred maintenance and deterioration of both buildings and empty spaces. Many of the structures in these areas are older and exhibit signs of deterioration. For example, the hotel pictured here was recently closed, is now vacant and building/fire code issues preclude it from re-opening. Alleys are of particular concern, especially in cases where alleys provide primary access to parking facilities. Alleys are unpaved and ungraded.
- Inappropriate uses of land – Although adjacent to two key commercial districts, the areas are characterized by lower density development, which results in lower land values and less efficient use of public infrastructure and services.
- Unsafe conditions – Parking lots and adjacent alleys, in some cases, have uncontrolled access. The designs of parking lots, alleyways, and driveways create blighted conditions that diminish the value of property in the area and present hazards for pedestrians. The age obsolescence of some structures and aging public infrastructure may also endanger life or property.

**3. The Whittier School Remainder** – A portion of the property owned by the School District was left out of the original urban renewal district. The area is directly adjacent to the Whittier School and includes the playground and the school parking lot. Conditions of blight in this area include but are not limited to:

- Age obsolescence – The facilities on the site are older and have been identified by the School District as in need of improvements.
- Defective or inadequate street layout – The alley adjacent to the school property is unpaved.
- Unsafe conditions – Deteriorating sidewalks in this area present hazards to pedestrians



**4. East Side Property** – This area is located to the east of the existing urban renewal district and is bounded on the north by Tamarack Street, on the south by Peach Street, on the west by 5<sup>th</sup> Avenue and on the east by 3<sup>rd</sup> Avenue. The area includes an improved BMX Park that has seen significant use and public investment in recent years. However, the overall area of the East Side Property exhibits a number of blighted conditions including but not limited to the following:



- Inappropriate uses of land – The land is largely vacant and underutilized. Its value is diminished by poor access.
- Defective or inadequate street layout – The area lacks adequate streets, sidewalks, curbs and gutters.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness – In addition to poor access, the site has poor drainage.
- Deterioration of site/Unsafe conditions – The overall area is not maintained and there are rough areas that present hazardous conditions.

**5. West Side Property** – This parcel of land is bounded on the north by Oak Street, the south by Durston Road, on the east by what would be 8<sup>th</sup> Avenue and on the west by 11<sup>th</sup> Avenue, excluding Royal Vista, Royal Vista Addition, Royal Court and the west end of Birch. It directly abuts properties that front on the west side of North 7<sup>th</sup> Avenue. It is largely vacant and lacks adequate infrastructure and provides no access to areas to the west. In effect, it forms a barrier between the urban renewal district and the neighborhoods to the west. This in turn negatively affects revitalization efforts. Specific blighted conditions include but are not limited to:

- Inappropriate uses of land – Although adjacent to the North 7<sup>th</sup> Avenue corridor, the area is characterized by lower density development, which results in lower land values and less efficient use of public infrastructure and services.
- Defective or inadequate street layout – The area has no transportation infrastructure – North 8<sup>th</sup> Avenue





ceases to exist here. There are no sidewalks, curbs or gutters.

- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness – As noted above, there is no access to the site and the site exhibits drainage problems.
- The existence of conditions that endanger life – Much of the property is fenced using barbed wire. There is no safe pedestrian access.

**6. Northwest Site** – This site is bounded on the south by Patrick Street, on the north by Baxter Lane, on the east by 11<sup>th</sup> Avenue and on the west by 15<sup>th</sup> Avenue. It is adjacent to several area hotels, but is largely vacant, and underutilized. Blighted conditions include but are not limited to:

- Inappropriate uses of land – the area is characterized by lower density development, which results in lower land values and less efficient use of public infrastructure and services.
- Defective or inadequate street layout – The road infrastructure is limited. Existing roads, including the minor arterial North 15<sup>th</sup> Avenue, “dead end” in several places resulting in poor access to much of the site.
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness – The site is characterized by poor drainage, and no access to adjacent properties. Sidewalks, curbs and gutters are generally missing.
- The existence of conditions that endanger – Much of the property is fenced using barbed wire. There is no safe pedestrian access.



**7. Murdoch’s Annexation Property** – This site is comprised of 3.889 acres located on the north side of Murdoch’s, and addressed as 2507 and 2511 North 7th Avenue. These lots were recently annexed into the City of Bozeman.

This area is located between an existing urban renewal district and an existing tax increment financing industrial district. Its exclusion has made it ineligible to benefit from various urban renewal and infrastructure programs. Conditions of blight include but are not limited to:

- Age obsolete structures and improvements – Physically, these areas are suffering from deferred maintenance and deterioration of both buildings and empty spaces. Many of the structures in these areas are older and exhibit signs of deterioration.
- Inappropriate uses of land – These industrial uses result in lower land values and less efficient use of public infrastructure and services.
- Defective or inadequate street layout – Street improvements, including but not limited to paving, curb/gutter and storm drainage facilities for North 7th Avenue, as well as for the adjacent local streets are needed.

## **Additional Findings**

In addition to the findings addressed in the Statements of Blight prepared for the original North Seventh Avenue Urban Renewal District and for the North Seventh Avenue Urban Renewal District Expansion Areas, the Bozeman Midtown Urban Renewal District also faces other challenges. While the conditions described below are not specifically listed in the statutory definition of blight, they do “substantially impair or arrest the sound development of communities, (and) constitute an economic or social liability”. (7-15-4206 MCA)

### Connectivity

The lack of critical transportation infrastructure results in poor multi-modal connectivity to area neighborhoods, public facilities and other destinations.

### Land Use

While the 2006 Urban Renewal Plan notes the importance of residential neighborhoods to the health and well-being of the entire District, the current development patterns do not support live-work opportunities. Mixed use development that meets both residential and commercial needs is generally missing within the Midtown area. The Whittier School is within the District but its potential to draw new residential development within existing neighborhoods has not been realized.

### Pedestrian Infrastructure

The lack of pedestrian oriented transportation infrastructure makes it difficult to encourage live-work settings, where employees are unable to walk or ride bicycles to their workplace. The current design of intersections within the district presents obstacles to pedestrians attempting to cross major thoroughfares.

### Broadband Services

Portions of Bozeman and the District lack consistent, reliable area-wide high-speed Internet services. This puts the Midtown area at a disadvantage when trying to retain and recruit businesses that are increasingly relying on electronic communication for themselves and their customers as well as requiring access to “the cloud” for data storage.

### Streetscape

The Bozeman Midtown Urban Renewal District lacks a unifying theme. Its role as a key entryway into the City has been diminished through the lack of adequate design features including but not limited to landscaping, lighting, and associated pedestrian amenities.

## Chapter 4. Planning Consistency

### Planning Consistency

Per Section 7-15-4213, MCA, prior to its approval of an urban renewal project, the local governing body shall submit the urban renewal project plan to the planning commission of the municipality for review and recommendations as to its conformity with the growth policy and the planning commission shall submit its written recommendations to the local governing body. An extensive review is found in Appendix B.

The efforts of local Planning Boards to prepare land use recommendations for the Bozeman area began in 1955, when the first municipal Planning Board was formed. In April of 1958, S.R. DeBoer & Company (planning consultants from Denver, CO) prepared Bozeman's first Master Plan. It included studies on transportation, street planning, zoning districts, parks and recreation, schools, park roads, and sanitation and health.

The City made significant progress in comprehensive planning with the October 2001 adoption of the Bozeman 2020 Community Plan (2020 Plan). The 2020 Plan wholly replaced all previous comprehensive plans and complied with the new planning standards. The 2020 Plan recognized the changing nature of the economy and expanding knowledge of community development standards and consequences. The 2020 Plan also put a higher emphasis on coordinated land use and physical infrastructure planning.

The *Bozeman Community Plan* was duly adopted as the current growth policy by the Bozeman City Commission by City of Bozeman Resolution No. 4163, dated June 1, 2009. In addition, Bozeman has completed many infrastructure and topic plans that have some influence on the area included under the Bozeman Midtown Urban Renewal District Plan. Some applicable plans are:

- Design and Connectivity Plan for North Seventh Avenue Corridor.
- Design Objectives Plan for Entryway Corridors.
- Design Guidelines for Historic Preservation and the Neighborhood Conservation Overlay.

### North Seventh Avenue Urban Renewal District Plan; October, 2006

In August of 2005, the Bozeman City Commission adopted Resolution 3839, a Resolution of Necessity, and subsequently approved Ordinance 1685, on November 27, 2006, which created the North Seventh Avenue Urban Renewal District and adopted the North Seventh Avenue Urban Renewal Plan with a provision for tax increment financing, to be calculated using a base year of 2006.

The following excerpts and specific statements were included in the 2006 North Seventh Avenue Urban Renewal Plan demonstrating conformance with the Bozeman 2020 Community Plan and describing the land uses and zoning in the area at that time.

#### “Growth Policy Land Use Designations

The Bozeman 2020 Community Plan designates the area along the N 7<sup>th</sup> Corridor as Neighborhood Commercial, Regional Commercial and Industrial. Some of the area east of N

5th Avenue between Tamarack and Oak is designated Residential and the area east along Oak Street contains Regional Commercial and Industrial designations.

#### Zoning Classifications

The District primarily consists of “B-2 Community business District” zoned parcels. East of the corridor, two large vacant parcels are zoned “R-4 Residential High Density District”, and “M-1 Light Manufacturing” zoned parcels are located on the north end of the study area

#### Land Area

The District encompasses roughly 323 acres or approximately 30 of the approximately 10,763 acres which comprised the total area of the city of Bozeman in August, 2005.

#### Land Use

The District primarily includes areas of commercial, residential, agricultural, industrial, and public uses.

#### Commercial Activity

The District includes one of the city’s oldest auto oriented commercial strips. Much of the area was developed more than fifty years ago and much has been developed or will develop largely due to the influences of transportation features, particularly North Seventh Avenue, Interstate 90 and Oak Street. These transportation corridors shape many of the elements of the District including platting of land and land use, access, traffic and circulation, and development patterns

#### Residential Neighborhoods

Well established and well kept residential neighborhoods adjoin North Seventh Avenue commercial development on both the east and west. A portion of these neighborhoods is included in the District to assure that redevelopment of the Corridor includes careful consideration of the issues associated with these established residential areas.”

### **Review of the Bozeman Midtown Urban Renewal District Plan’s Consistency with the Bozeman Community Plan**

To comply with state statute, this Bozeman Midtown Urban Renewal District Plan must be reviewed by the Bozeman City Planning Board and found to be in conformance with the *Bozeman Community Plan*. On October 20<sup>th</sup>, 2015 the City Planning Board reviewed the Bozeman Midtown Urban Renewal District Plan as outlined in this chapter and found it to be in conformance with the growth policy as required by 7-15-4213 MCA.

### **Growth Policy Review**

The *Bozeman Community Plan* was reviewed in order to determine whether the growth policy adequately supports the urban renewal project (per 7-15-4213 MCA). The *Bozeman Community Plan* has been found to include:

- Goals and Objectives that support the urban renewal, economic development, and development of infrastructure that encourages urban renewal and economic development in the community.
- The inclusion of tax increment financing among the strategies to be implemented to achieve the *Bozeman Community Plan’s* goals and objectives.
- The identification of land use through maps and/or text of lands.

An overall review of the goals and objectives of the growth policy indicates no conflicts for an urban renewal project with the growth policy. The following selections from the *Bozeman*

*Community Plan* demonstrate conformance of the Bozeman Midtown Urban Renewal District Plan to the vision, goals and objectives of the *Bozeman Community Plan*.

**Specific Goals and Objectives in the *Bozeman Community Plan* furthering urban renewal and economic stability for the prevention and the elimination of urban blight.**

- **Land Use Objective LU-1.4:** Provide for and support infill development and redevelopment which provides additional density of use while respecting the context of the existing development which surrounds it. Respect for context does not automatically prohibit difference in scale or design.
- **Land Use Objective LU-2.3:** Encourage redevelopment and intensification, especially with mixed uses, of brownfields and underutilized property within the City consistent with the City's adopted standards. Using this approach rehabilitate corridor based commercial uses into a pattern more supportive of the principles supported by commercial centers.
- **Land Use Objective LU-4.4:** Review and revise the City's regulations to encourage and support sustainability in new construction and rehabilitation or redevelopment of existing areas.
- **Economic Development Objective ED-1.2:** Coordinate the provision of infrastructure necessary to support economic development.
- **Economic Development Objective ED-1.4:** Encourage ongoing improvements in private infrastructure systems, such as telecommunications, and promote state-of-the-art facilities.
- **Economic Development Objective ED-1.6:** Utilize the City's economic development and urban renewal plans to stimulate investment and maintain a health and vibrant economy.
- **Economic Development Objective ED-1.8:** Leverage local, state, and federal economic development resources to enhance economic growth in Bozeman.
- **Economic Development Objective ED-2.4:** Foster a diverse economy that will protect the economic climate for existing businesses and maintain opportunities for business expansion.
- **Economic Development Objective ED-2.9:** Create a more collaborative and effective working partnership between the business community and the City of Bozeman and effectively manage the City of Bozeman's regulatory environment to accomplish goals without hindering business expansion and economic growth.

**Evaluation of the Bozeman Midtown Urban Renewal District Plan for conformance with Overall Principles and Goals of the *Bozeman Community Plan*.**

- In conformance with the growth policy, the Bozeman Midtown Urban Renewal District Plan seeks to provide long term economic stability and to use planning and the development of public infrastructure as tools for well managed growth.

The goals of the Bozeman Midtown Urban Renewal District as stated in the Urban Renewal District Plan are:

- Goal #1 Promote Economic Development
- Goal #2 Improve Multi-Modal Transportation
- Goal #3 Improve, Maintain and Support Innovation in Infrastructure
- Goal #4 Promote Unified, Human Scale Urban Design
- Goal #5 Support Compatible Urban Density Mixed Land Uses

## **Growth Policy Implementation**

The following selections from the *Bozeman Community Plan* demonstrate conformance of the Bozeman Midtown Urban Renewal District Plan to the implementation strategies and tools of the growth policy.

### **Identified implementation tools and strategies, including tax increment financing, which help to achieve the *Bozeman Community Plan*'s goals and objectives.**

- Provides a foundation for programs as well as more detailed plans, such as urban renewal district plans with tax increment financing programs.
- Describes the use of alternative funding mechanisms when distinct beneficiary populations or interest groups can be identified and more equitably served (such as tax increment financing).
- Encourages development within the City of Bozeman.
- Encourages infill and redevelopment.
- Continues programs which support adaptive reuse and reinvestment.
- Encourages commercial and residential development or redevelopment of identified infill areas through the use of and publicizing of incentives, such as, but not limited to, public infrastructure funding support
- Supports standards for infill development and redevelopment.
- Supports the creation and expansion of local businesses.
- Maintains and seeks to expand resources available through urban renewal districts.
- Increases awareness of existing economic and other benefits of and further develop incentives for locating and operating within City limits.
- Recognizes sustainability as a component of economic development.

### **Evaluation of the conformance of the Bozeman Midtown Urban Renewal District Plan with the implementation tools and strategies in the *Bozeman Community Plan*.**

- The Bozeman Midtown Urban Renewal District Plan takes advantage of the urban renewal law offered by the State of Montana Code.
- The Bozeman Midtown Urban Renewal District Plan provides for the opportunity to use tax increment financing to assist with redevelopment and revitalization activities, and encourage the retention and growth of economic development.
- The Bozeman Midtown Urban Renewal District Plan supports the development of infrastructure that encourages urban renewal and economic development in the community.

## **Growth Policy Future Land Use**

The growth policy provides a visual policy statement with the identification of the future land use pattern through maps and/or text of lands to help achieve the goals and objectives of the *Bozeman Community Plan*.

The *Bozeman Community Plan* designates the core area along the North 7th Avenue Corridor starting from the north end as Industrial, Regional Commercial and Services, and Community Commercial Mixed Use. The majority of the adjacent neighborhoods are designated Residential, with a couple of small areas designated Parks, Open Space and Recreational Lands and Public Institutions.

**Future Land Use Designations of the area included in the Bozeman Midtown Urban Renewal District to help achieve the *Bozeman Community Plan's* goals and objectives.**

- The Bozeman Community Plan designates the core area along the North 7th Avenue Corridor as Regional Commercial and Services, Community Commercial Mixed Use, and Industrial.
- The majority of the adjacent neighborhoods have a future land use designation of Residential, with a couple of small areas designated Parks, Open Space and Recreational Lands and Public Institutions.
- Regional Commercial and Services will be implemented by B-2 or UMU zoning districts.
- Community Commercial Mixed Use will be implemented by the B-1, B-2 or UMU zoning districts.
- Industrial land uses can be implemented by any one of the five industrial type zoning districts.
- Residential will be implemented by multiple zoning districts.
- Parks, Open Space and Recreational Lands are functions which can occur in any zoning district.
- Public Institutions can be implemented by the PLI zoning district, but is a function that can occur in any zoning district.

**Evaluation of the Bozeman Midtown Urban Renewal District Plan for Conformance with the Future Land Use Designations.**

- The Bozeman Midtown Urban Renewal District Plan provides a plan for redevelopment of the existing commercially designated area to retain existing and attract new economic development.
- The Bozeman Midtown Urban Renewal District Plan does not suggest any revision to the existing future land use designations.

**Review of the zoning of the area included in the Bozeman Midtown Urban Renewal District for accordance with the Bozeman Unified Development Code**

The City adopted its first zoning ordinance in 1941. The current zoning ordinance, the Unified Development Code of the City of Bozeman, Chapter 38 of the Bozeman Municipal Code was originally adopted in 2005, with the most recent extensive amendment by Ordinance Number 1769 effective on December 28, 2009. The zoning of the area included in the Bozeman Midtown Urban Renewal District must be found to be in conformance with the Bozeman Community Plan. On October 20th, 2015 the City Planning Board reviewed the zoning of the area included in the Bozeman Midtown Urban Renewal District as follows in this section and found the zoning to be in conformance with the growth policy. An extensive review of the zoning is found in Appendix B.

The majority of the land within the area of the Bozeman Midtown Urban Renewal District is zoned “B-2 Community Business District”, with adjacent land north of I-90 zoned “M-1 Light Manufacturing”, and the adjacent land south of I-90 classified for residential uses with districts

including “R-3 Residential Medium Density”, “R-4 Residential High Density”, and “R-O Residential-Office”.

In addition to the zoning districts listed above, portions of the Midtown area of Bozeman are also covered by “Bozeman Entryway Corridor Overlay District” and the “Neighborhood Conservation Overlay District”, and a couple of lots at the southeast edge are located within the Cooper Park Historic District.

#### **Zoning to help implement the Bozeman Community Plan.**

- A purpose of the Bozeman Unified Development Code is to implement the goals and objectives of the Bozeman Community Plan; the city’s adopted growth policy.
- The majority of the land within the core area of the Bozeman Midtown Urban Renewal District is zoned “B-2 Community Business District” to provide for a broad range of mutually supportive retail and service functions.
- The land adjacent to the commercial core and south of I-90 within the area of the Bozeman Midtown Urban Renewal District is zoned for a variety of residential uses and densities, with zoning districts including “R-3 Residential Medium Density”, “R-4 Residential High Density”, and “R-O Residential-Office”.
- The land adjacent to the commercial core and north of I-90 is zoned “M-1 Light Manufacturing”.

#### **Evaluation of the Bozeman Midtown Urban Renewal District Plan for Accordance of Zoning with Bozeman Community Plan.**

- The Bozeman Midtown Urban Renewal District Plan supports the purposes of the Bozeman Unified Development Code.
- The Bozeman Midtown Urban Renewal District Plan supports “retail and service use” as described by the Bozeman Unified Development Code.
- The Bozeman Midtown Urban Renewal District Plan provides a plan for redevelopment of the existing commercially designated area to eliminate blight, and retain existing and attract new economic development.
- The Bozeman Midtown Urban Renewal District Plan does not suggest any revision to the existing zoning classifications.

#### **Conclusions**

1. The Bozeman Midtown Urban Renewal District Plan has been evaluated against the relevant goals and objectives of the Bozeman Community Plan, and the Bozeman Midtown Urban Renewal District Plan is in conformance with the Bozeman Community Plan.
2. The zoning in the area of the Bozeman Midtown Urban Renewal District has been evaluated against the Bozeman Community Plan, and the zoning in the area of the Bozeman Midtown Urban Renewal District is in accordance with the Bozeman Community Plan.



## Chapter 5. Goals and Strategies

### Introduction

This chapter presents the goals and strategies for addressing blight within the Bozeman Midtown Urban Renewal District. They are drawn from public input (public meeting summaries are found in Appendix A), the Bozeman 2009 Community Plan and other appropriate planning documents, technical input from the City's staff, and the Statement of Blight prepared in conjunction with the expansion of the North Seventh Avenue Urban Renewal District. Public discussion addressed economic development, sustainability, mixed use higher density development, live-work opportunities, parking, multi-modal transportation infrastructure, pedestrian safety and access, and urban design.

As stated above, this Urban Renewal Plan provides a context for activities that will be undertaken by a variety of public and private entities. It recommends a series of planning and program initiatives and capital projects that may be undertaken by the local government to encourage reinvestment in the district, which will in turn address conditions that have diminished the environmental, economic and cultural well being of the area over time.

The following are the Goals of this Urban Renewal Plan and associated strategies. It should be noted that revolving loan programs are included as suggested strategies for achieving several of the goals set forth. The City of Bozeman may choose to create one revolving loan program that would incorporate all or some of these activities.

### Goal #1 Promote Economic Development

**Rationale:** Economic vitality strengthens the community, provides for physical needs of the citizens, opens reinvestment opportunities, and helps to eliminate the conditions that contribute to blight.

#### *Planning Initiatives*

- ✓ Engage in area and issue specific planning efforts to further retention and/or increase in the number of jobs and economic activity
- ✓ Prepare marketing plan that includes such things as targeted anchor businesses, marketing strategies, branding and/or wayfinding
- ✓ Conduct a readiness study to examine opportunities and determine challenges associated with targeted anchor business recruitment and retention, including due diligence, infrastructure deficiencies and land and/or space needs
- ✓ Examine the potential for the fostering of activity centers including:
  - Open Spaces
  - Event Venues
  - Conference Facilities
  - Mixed-Use Developments
- ✓ Examine the usefulness of potential incentives (such as application or regulatory fee mitigation, impact fee reimbursement, etc.)
- ✓ Consider the issuance of tax increment financing bonds, as revenues permit, in support of Program Initiatives and Capital Projects, such as electronic communication infrastructure, public activity centers, etc.

- ✓ Continue the process of updating Bozeman's Unified Development Code to clearly communicate the community's expectations for development as expressed in the Bozeman Community Plan, and to generate implementation and design provisions for the Midtown URD Plan

***Program Initiatives***

- ✓ Provide incentives for infill, mixed-use development (commercial and residential) and density increases to take advantage of economies of scale in providing services, access and sustainability
- ✓ Work to increase property values by encouraging private investment
- ✓ Develop partnerships among property owners, new/expanding businesses and the local government to increase economic activity
- ✓ Establish a monetary incentive such as a revolving loan program to bring existing businesses into compliance with land use codes, design standards and health and safety regulations
- ✓ Establish a monetary incentive such as a revolving loan program to assist property owners in repairing and replacing deteriorating, or in extending existing public infrastructure.
- ✓ Facilitate land assemblage and property transfer for higher density, targeted anchor businesses and mixed-use development
- ✓ Market to businesses that can take advantage of the link to higher education facilities, including Montana State University and Gallatin College and associated job training programs including continuing education and distance learning
- ✓ Market to businesses that can take advantage of locating near the broadband fiber “backbone”
- ✓ Establish a monetary incentive such as a matching grant program for work force training to help expand and retain businesses, such as a partnership with Bozeman Bear
- ✓ Continue the N7Rehab Construction Grants Program to help property owners improve their facades and sites, eligible activities include:
  - Demolition
  - Façade Improvements
  - ADA Accessibility Improvements
  - Landscaping incorporated into a public space
  - Sidewalks
  - Improvements which reduce drive accesses in width and/or number
  - Improvements to create shared parking arrangements
  - Storm water facility improvements
  - Improvements in the public right-of-way or within a public access easement: sidewalk construction or repair, landscaping, ADA sidewalk ramps, tree grates, installation of District lighting
- ✓ Continue the N7Rehab Technical Assistance Grants Program for property owners to plan updates to their sites, including:
  - Site Planning and Master Site Planning
  - Building condition assessment in conjunction with exterior renovation or reuse proposals for existing structures
  - Engineering and surveying services

- Landscape Design
- Preliminary Development Review

**Capital Projects**

- ✓ Ready properties for redevelopment
- ✓ Upgrade and expand electronic communication infrastructure including, but not limited to fiber optics.
- ✓ Install improvements that support marketing, wayfinding and branding, including, but not limited to signage, lighting, street furniture and landscaping
- ✓ Develop public activity centers such as:
  - Aspen, east of North 7th Avenue, as a festival street
  - The BMX Park

**Goal #2 Improve Multi-Modal Transportation**

**Rationale:** Increasing travel options supports public health, reduces resource demand, increases efficiency and reduces costs, improving the quality of life and making the community a better place to live and work, helping to eliminate conditions that contribute to blight.

**Planning Initiatives**

- ✓ Assemble and evaluate existing studies of multi-modal transportation needs
- ✓ Engage in a service gap analysis
- ✓ Study means to facilitate transportation mode shift to expand non-motorized and public transit travel
- ✓ Consider the issuance of tax increment financing bonds, as revenues permit, in support of Program Initiatives and Capital Projects.

**Program Initiatives**

- ✓ Establish a monetary incentive such as a revolving loan program to assist property owners in repairing and replacing deteriorating, or in extending existing public infrastructure.
- ✓ Establish a monetary incentive such as a revolving loan program to enable existing businesses to provide Federal ADA access to their establishments.
- ✓ Establish a monetary incentive such as a cost-share program for sidewalk construction, repair and replacement
- ✓ Partner with the school district and other entities to support a “Safe Routes to School” program
- ✓ Develop a program to facilitate transportation mode shift and to expand non-motorized and public transit travel (such as “Park and Ride” programs, ride sharing, bicycle garaging and sharing)



### ***Capital Projects***

- ✓ Construct improvements to eliminate service gaps
- ✓ Partner to improve multi-modal transportation infrastructure and connectivity throughout the district (such as roads, curbs, gutters and sidewalks)
- ✓ Construct improvements to facilitate transportation mode shift to expand non-motorized and public transit travel (such as bikeways, trails, parking facilities, high quality bus stops and public transit access)
- ✓ Construct non-vehicular safety improvements such as sidewalks, pedestrian crossings, high intensity activated cross walk signals and traffic calming features

### **Goal #3 Improve, Maintain and Support Innovation in Infrastructure**

**Rationale:** Infrastructure is the backbone of the community. Private development typically requires a corresponding public investment in infrastructure. Therefore, capital improvements in the district will help achieve economic vitality and address conditions that contribute to blight.

### ***Planning Initiatives***

- ✓ Assemble and evaluate existing studies of infrastructure needs
- ✓ Engage in a service gap analysis
- ✓ Continue to examine the opportunities to improve communication infrastructure access through upgrades and innovation
- ✓ Examine parking strategies that support higher density, mixed use development
- ✓ Provide for planning and design assistance for improvements to public facilities within the district (such as parks, schools and local government buildings)
- ✓ Consider the issuance of tax increment financing bonds, as revenues permit, in support of Program Initiatives and Capital Projects, such as public parking facilities, communication infrastructure, streetscape elements, and other public infrastructure
- ✓ Study the efficacy of a storm water district including the potential use of community storm water facilities
- ✓ Support implementation of the Bozeman Fiber Master Plan and Feasibility Study, the community effort to address the broadband network, the crucial infrastructure necessary for next generation fiber-optic connectivity

### ***Program Initiatives***

- ✓ Continue the program to improve broadband infrastructure, and facilitate public-private partnerships in support of improved broadband infrastructure
- ✓ Continue to support open access fiber optic networks to provide affordable broadband for the region's business community, public sector and residents, as described by the Bozeman Fiber Master Plan and Feasibility Study adopted pursuant to Resolution #4576.
- ✓ Develop a program to facilitate transportation mode shift and to expand non-motorized and public transit travel (such as "Park and Ride" programs, ride sharing, bicycle garaging and sharing)
- ✓ Establish a monetary incentive such as a revolving loan program in support of shared parking facilities among several businesses

### ***Capital Projects***

- ✓ Construct public parking infrastructure to facilitate transportation mode shift to expand non-motorized and public transit travel
- ✓ Improve overall communication connectivity
- ✓ Improve public lighting
- ✓ Leverage state and federal funds for streetscape improvements that include transportation, safety, landscaping and lighting elements
- ✓ Improve access and egress controls throughout the district
- ✓ Enhance public safety through specific infrastructure improvements such as sanctuary/refuge locations, underpass improvements and high intensity activated cross walk signals
- ✓ Support improvements to public facilities within the district (such as parks, schools and local government buildings, storm water facilities)
- ✓ Support infrastructure improvements to and expansion of the broadband network for next generation fiber-optic connectivity

## Goal #4 – Promote Unified, Human Scale Urban Design

**Rationale:** Protecting and building upon existing physical assets increases vitality, desirability and leverages economic development, strengthening community values and mutual support helping to eliminate the conditions that contribute to blight.



### *Planning Initiatives*

- ✓ Develop a vision that will guide planning and design within the urban renewal district, which supports its role as a key corridor and fosters greater pedestrian orientation
- ✓ Design unifying themes for the urban renewal district that reflect its role as a gateway from I-90, and key corridor and link to downtown Bozeman and Montana State University, while acknowledging neighborhood characteristics
- ✓ Develop planning tools that address urban design elements: imageability, enclosure, human scale, transparency, complexity, coherence, legibility and linkage
- ✓ Evaluate land use code requirements to remove obstacles in order to create a more vibrant, human-scale streetscape and foster economic vitality
- ✓ Continue to develop planning tools that address streetscapes to
  - “Quiet down” streets through parking, traffic calming approaches, and other elements
  - Provide for more public landscaping and art along public rights of way
  - Promote private development that provides for significant landscaping
  - Incorporate “walkability” in design within the district
  - Maintain and enhance signage
    - Street Signs
    - Safety Signs
    - Directional and Way-finding Signs

- Neighborhood “branding” signs
  - Incorporate “complete streets” in designing transportation related infrastructure ( bike lanes, boulevards and pedestrian ways, etc.) while maintaining good traffic flow on main thoroughfares
  - Provide unified or neighborhood specific streetscape design elements including lighting, benches and garbage receptacles, etc.
- ✓ Study street medians to determine their role and design
- ✓ Consider the issuance of tax increment financing bonds, as revenues permit, in support of Program Initiatives and Capital Projects, such as streetscape elements, etc.

### ***Program Initiatives***

- ✓ Provide choices to property owners for boulevard plantings, including drought tolerant plantings for sustainable water use
- ✓ Establish a monetary incentive such as a revolving loan program to improve “curb appeal” of existing businesses to address design standards (such as facades, landscaping and lighting)
- ✓ Establish a monetary incentive such as a revolving loan program to help transition from a vehicular focus (such as building orientation, parking facility placement and access points)
- ✓ Foster public art projects
- ✓ Establish a monetary incentive such as a matching grant program for the unified or neighborhood specific streetscape design elements
- ✓ Establish / continue a streetlight banner signage program in support of the district and events and activities in the community
- ✓ Work with residents, property owners and businesses to address litter and vandalism
- ✓ Partner with area property owners and businesses to establish a public improvements maintenance program, including, but not limited to the creation of a business or special improvement district (for such things as sidewalk snow removal, landscaping maintenance, litter and garbage removal and streetlight banner installations)

### ***Capital Projects***

- ✓ Eliminate blighted conditions at the edges and entryways to the urban renewal district and its distinct neighborhoods
- ✓ Improve the North 7<sup>th</sup> Avenue corridor, both visually and physically
- ✓ Use signage and infrastructure improvements to enable way-finding and to better brand the area
- ✓ Continue the Lighting, Gateway and related Sidewalk Improvements Project - the installation of new architectural street lights, gateway improvements and related sidewalk with boulevard improvements along the corridor to enhance pedestrian safety and to make the neighborhood more pedestrian friendly
- ✓ Continue the Median and Boulevard Landscaping Project

## **Goal #5 Support Compatible Urban Density Mixed Land Uses**

**Rationale:** A sense of place is strengthened by a strong core identity. Increasing live-work opportunities and community interaction, ensures that the North 7<sup>th</sup> Avenue area remains a great

place to live, work, operate a business, and play, and helps to eliminate conditions that contribute to blight.

### ***Planning Initiatives***

- ✓ Assess the need for a variety of housing types, including, but not limited to co-op, transitional, senior, and special needs
- ✓ Study opportunities for “live-work” and mixed commercial residential development
- ✓ Study strategies to expand affordable housing opportunities for all populations
- ✓ Evaluate land use code requirements (such as building height restrictions, parking requirements and signage restrictions), to remove obstacles in order to increase density, support mixed-use development and foster economic vitality
- ✓ Consider the issuance of tax increment financing bonds, as revenues permit, in support of Program Initiatives and Capital Projects, such as redevelopment projects, affordable housing, etc.

### ***Program Initiatives***

- ✓ Promote mixed use or activity centers to take advantage of economies of scale in providing services, access and sustainability
- ✓ Promote public-private partnerships to create urban density mixed land use
- ✓ Provide incentives in the land use code requirements to foster residential development in the Whittier School attendance area to take advantage of this neighborhood school
- ✓ Provide incentives in the land use codes requirements to foster upper story residential development
- ✓ Establish a monetary incentive such as a revolving loan program in support of rehabilitation of residential and commercial properties that increases density
- ✓ Establish a monetary incentive such as a revolving loan program that supports the rehabilitation of residential and commercial properties that increases the number of housing units and live-work opportunities
- ✓ Establish a monetary incentive such as a revolving loan program that supports sustainable approaches to such things as water use, energy conservation and storm water mitigation
- ✓ Consider establishing a monetary support program (revolving loan, matching grant, grant) for the development or acquisition of parks or recreational areas to serve the district; and to meet park or open space requirements

### ***Capital Projects***

- ✓ Support the development or acquisition of parks or recreational areas to serve the district
- ✓ Per 7-15-4233, MCA, as opportunities present themselves, improve, clear, or prepare for redevelopment any real or personal property in the urban renewal area that increases density, increases employment and/or that expands mixed use opportunities

## **Chapter 6. Project Evaluation Criteria**

Chapter 7 of this Plan provides a list of potential funding sources, including Tax Increment Financing (TIF), that can be used in funding urban renewal projects and programs. However, given the myriad of urban renewal activities that could potentially occur within the Bozeman Midtown Urban Renewal District, it will be necessary to review each proposed project or program with respect to the Plan's guiding principles, initially introduced in Chapter 1, as well as identified goals and strategies found in Chapter 5.

### **Guiding Principles**

This Urban Renewal Plan is a reflection of sound public policy and thoughtful planning. To this end the following principles will guide revitalization and redevelopment efforts in the URD.

**Readiness** – The renewal of the Bozeman Midtown URD will occur in stages, as resources and opportunities become available. In some cases, specific projects will occur in support of private investment that would otherwise not occur without a corresponding investment in public infrastructure. Also, new program initiatives or funding opportunities may present themselves from time to time, which can help bring certain urban renewal projects forward.

**Leveraging** – Projects that make use of a variety of public and private resources including state and federal grants, loans and specialized tax credits, as well as tax increment funds are encouraged.

**Design** – Midtown serves as a significant entryway into the City of Bozeman. North 7<sup>th</sup> Avenue, which is the primary thoroughfare within the district, connects Interstate 90 with Main Street and Downtown Bozeman, and with Montana State University. While the area is characterized by a mix of commercial uses, it also serves to welcome visitors and students to the community. Therefore, urban renewal projects should be designed to complement this important role. Thoughtful, well-designed development that enhances the role of Midtown as a key gateway will, in turn, draw additional investment over time.

**Public-Private Partnerships** – The successful redevelopment of the Midtown URD will depend on cooperation between the public and private sectors. As noted above, significant private investment will likely require associated public financing of municipal and quasi-public improvements, such as multi-modal transportation facilities, sewer and water improvements, utilities and communication infrastructure. Funding sources for capital projects will include, but not be limited to Tax Increment Financing (TIF). Specific projects will be undertaken in accordance with the Montana Urban Renewal Law, 7-15-42 and 7-15-43, MCA. In addition, the Montana Urban Renewal Law provides for creation of revolving loan programs, funded by TIF, in support of projects that may involve non-governmental entities, if provided for in the urban renewal plan. (7-15-4292 MCA) The City of Bozeman intends to make use of a revolving loan fund in forging public-private partnerships.



## **Criteria Description**

Based on these guiding principles, the following twelve criteria will be used in evaluating projects and programs and in setting priorities, in the context of limited financial resources. These criteria are listed in no particular order or ranking of importance.

**Criteria. Project design and readiness (phasing potential)** – Is the project ready to go forward? For example, are any necessary permits in place? Has due diligence been completed? Does the project lend itself to phasing or segmentation that enables portions of the project to stand alone?

**Criteria. Leverage ratios of public to private funds invested** – Are urban renewal dollars leveraging private investment? For example, does the installation of public infrastructure correspond to growth in business and/or residential development? Or what is the percent of public dollars invested in the infrastructure as compared to private dollars?

**Criteria. Health and safety concerns** – Does the project address a condition of blight that endangers the “health, safety....and welfare” of the residents? Does it improve fire and life safety requirements? Does it reduce emergency response time?

**Criteria. Opportunity to take advantage of new initiatives and funding sources** – Does the project or program enable the City to take advantage of a new initiative or funding source that can be matched or leveraged by urban renewal dollars and/or private investment?

**Criteria. Critical infrastructure and/or connectivity needs** – Does the project enable better connectivity within the urban renewal district and/or between the urban renewal district and the community? For example projects that support improved multi-modal transportation or better access to the community telecommunications network might be given greater priority.

**Criteria. Opportunity to support mixed-use developments including residential** – Does the project or program provide for mixed-uses, and per Goal #5, increase live-work opportunities and community interaction?

**Criteria. Opportunity to better use land through the development of vacant and/or underutilized space** – Does the project make use of vacant land within the district, thereby improving connectivity and increasing density of use?

**Criteria. Job creation** – Does the program or project create new employment opportunities and/or opportunities for workforce training? Projects which create more jobs per public funds invested will be more desirable. There may also be opportunities to partner with businesses, organizations and educational entities to provide vocational and professional training.

**Criteria. Resulting increase in taxable value** – Projects that improve the overall property tax base within the district increase the amount of tax increment dollars available for urban

renewal activities. Over the long term, improving the tax base can assure continued economic health within the urban renewal district and the community well into the future.

**Criteria. Ability of project to enhance Midtown’s role as a key gateway and link to the Downtown and Montana State University** – Does the project support the role of Midtown as an important connection from Interstate 90 to Downtown and to the University?

**Criteria. Consistency with adopted plans including the Bozeman Midtown Urban Renewal Plan** – Does the project reflect the vision, goals and objectives set forth in the Bozeman Community Plan and other adopted plans?

**Criteria. Sustainability, one-time infusion of funds versus on-going need for funding** – Will the project require on-going support to be sustainable? Are other, longer-term funding strategies considered in project planning?

### **How The Criteria are Used**

The extent to which these criteria are applied will depend on the specific project or program being considered. They are intended to provide a decision making framework to set priorities. In most cases, only some of the criteria would apply for a specific project or program. For instance, some projects might rank higher with respect to job creation, while others may result in greater private investment. Public investment in infrastructure to improve connectivity may or may not result in an increase in taxable value. Through the process of preparing annual work plans, more specificity may be assigned to some or all of the criteria, based on changing community and district priorities.

Given the wide range of potential activities, the criteria will be particularly effective in evaluating similar project proposals, such as multiple proposals to install public infrastructure, or in reviewing applications for grants and loans. The criteria can also be used to develop more specific guidelines for grant and loan program established under this plan.

The criteria become particularly important as the Urban Renewal Board makes recommendations to the City Commission regarding the funding of projects and programs during the budget approval process. Demonstrating how each proposed activity meets the criteria will assist the Commission in evaluating its appropriateness with respect to the goals and objectives of the urban renewal plan as well as of the community as a whole.

## Chapter 7. Implementation

The Bozeman Midtown Urban Renewal District Plan provides a framework for the rehabilitation and redevelopment of the Urban Renewal District. Upon its adoption, this Plan will serve as the official policy guide for public action. However, these policies can only be transformed to action through an effective implementation program. Key to implementation will be sound processes of administration, financing and program evaluation.

### Administration

Under 7-15-4231 MCA, the exercise of powers related to urban renewal, a municipality may itself exercise its urban renewal project powers, or may, “if the local governing body by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency created under 7-15-4232 MCA, or a department or other officers of the municipality as they are authorized to exercise under this part and part 43.”

The City of Bozeman may establish an urban renewal agency under this provision to direct the projects and programs outlined in the Urban Renewal Plan. As provided in the statute, the City Commission would appoint five members to the agency’s board, who would be responsible for developing and implementing programs. Since 2006, the City of Bozeman has chosen to exercise its urban renewal project powers directly, rather than establish a separate urban renewal agency. The City Commission has created an urban renewal district board to serve in an advisory capacity to the Commission in planning for, implementing and administering a program of rehabilitation and revitalization for the District. The board provides opportunities for stakeholders in the District, including property owners, business owners, residents and school district representatives to participate in formulating urban renewal projects and programs.

The annual work program and budget, listing the activities and costs of the activities for the coming fiscal year, as well as the method of financing those activities are prepared by the urban renewal board and reviewed and approved by the City Commission. This program and budget can be amended during the course of the fiscal year in light of funding and program opportunities and changes. Urban renewal activities undertaken must be in accordance with Montana State statute. (The specific provisions of 7-15-4233 MCA are below.)

**7-15-4233. Powers which may be exercised by urban renewal agency or authorized department.** (1) In the event the local governing body makes such determination, such body may authorize the urban renewal agency or department or other officers of the municipality to exercise any of the following urban renewal project powers:

- (a) to formulate and coordinate a workable program as specified in [7-15-4209](#);
- (b) to prepare Urban Renewal Plans;
- (c) to prepare recommended modifications to an urban renewal project plan;
- (d) to undertake and carry out urban renewal projects as required by the local governing body;
- (e) to make and execute contracts as specified in [7-15-4251](#), [7-15-4254](#), [7-15-4255](#), and [7-15-4281](#), with the exception of contracts for the purchase or sale of real or personal property;
- (f) to disseminate blight clearance and urban renewal information;
- (g) to exercise the powers prescribed by [7-15-4255](#), except the power to agree to conditions for federal financial assistance and imposed pursuant to federal law relating to salaries and wages shall be reserved to the local governing body;
- (h) to enter any building or property in any urban renewal area in order to make surveys and appraisals in the manner specified in [7-15-4257](#);
- (i) to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area;

- (j) to insure real or personal property as provided in [7-15-4258](#);
  - (k) to effectuate the plans provided for in [7-15-4254](#);
  - (l) to prepare plans for the relocation of families displaced from an urban renewal area and to coordinate public and private agencies in such relocation;
  - (m) to prepare plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements;
  - (n) to conduct appraisals, title searches, surveys, studies, and other preliminary plans and work necessary to prepare for the undertaking of urban renewal projects;
  - (o) to negotiate for the acquisition of land;
  - (p) to study the closing, vacating, planning, or replanning of streets, roads, sidewalks, ways, or other places and to make recommendations with respect thereto;
  - (q) to organize, coordinate, and direct the administration of the provisions of this part and part 43;
  - (r) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body.
- (2) Any powers granted in this part or part 43 that are not included in subsection (1) as powers of the urban renewal agency or a department or other officers of a municipality in lieu thereof may only be exercised by the local governing body or other officers, boards, and commissions as provided under existing law.

### **Projects and Programs**

The City of Bozeman will implement programs and evaluate projects based on the guiding principles and goals of this Urban Renewal Plan. Given that private development will be necessary to generate tax increment funds, business development must occur hand in hand with other community based revitalization activities. The Bozeman Midtown urban renewal program will make use of a variety of financing in achieving the goals of this plan, including:

#### Public Investments

- Annual Tax Increment Appropriations – The City of Bozeman may finance smaller public infrastructure improvements and renewal programs from its annual tax increment receipts by appropriation. Funds available each year would be determined by the size of the annual increment and any prior commitments (such as bond debt service requirements and administrative costs).
- Tax Increment Bonds – The City of Bozeman will issue tax increment financing (TIF) revenue bonds if necessary, as revenues allow, to finance major capital projects. TIF bonds will enable the local government to finance projects up-front and then retire the debt through annual tax increment receipts.
- Other Debt Financing – The City of Bozeman may borrow funds through local, state and federal loan programs in order to finance public improvements. Annual tax increment revenues may be used to make principal and interest payments
- Local, State and Federal Funding Mechanisms – There are a number of funding resources available to communities to undertake planning and capital improvement projects. These are listed in the funding section below.

#### Private Sector Development

In addition to public sector investments, the urban renewal program can assist property and business owners in specific renewal activities including the following:

- Tax Increment Financing Revolving Loans – In 7-15-4292, MCA, the Montana TIF statute provides for the establishment of loan programs, whereby TIF funds may be used to support public and private urban renewal projects in support of the goals of the Urban Renewal District. As principal and interest payments are made, the funds may be loaned again, even after the TIF District sunsets. The management of a revolving loan program may be undertaken directly by the City, or through a contract with another entity.
- Tax Increment Grants – In some cases urban renewal agencies can make grants to private entities to support projects that are in the community’s best interest, and are in keeping with the purposes of the Montana Urban Renewal Law, such as historic preservation, public safety, landscaping and the removal of blight. Examples include:
  - Restoration of historic building facades
  - Stabilization of structures that have been neglected or abandoned
  - Installation of life safety equipment such as sprinkler systems
  - Installment of landscaping, lighting and other design features that support a unifying theme for the District
- Other Assistance – The urban renewal program can assist private sector projects in a variety of ways, by providing technical assistance and helping property owners access federal, state and local resources and incentives for development.

Partnership Development

The urban renewal program will rely on cooperative efforts among the local government and the urban renewal board, district property owners, and economic development organizations to achieve its goal of fostering revitalization. In many cases, these cooperative partners will work jointly on market analyses, business recruitment and capital improvements planning. Also, as noted above, it will be necessary to work with other local, state and federal entities in providing additional financing and matching funds to undertake projects and programs in the Bozeman Midtown Urban Renewal District. Potential partnerships can be forged using a variety of programs and funding mechanisms. A sampling of these is provided in the following section.

**Financing**

Tax Increment Financing

As noted above, the implementation of the Bozeman Midtown Urban Renewal Plan will include the use of Tax Increment Financing (TIF). More particularly, costs that may be paid using TIF dollars are included in 7-15-4288, MCA as follows:

**7-15-4288. Costs that may be paid by tax increment financing.** The tax increments may be used by the municipality to pay the following costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project, or aerospace transportation and technology infrastructure development project:

- (1) land acquisition;
- (2) demolition and removal of structures;
- (3) relocation of occupants;
- (4) the acquisition, construction, and improvement of infrastructure, industrial infrastructure, technology infrastructure, or aerospace transportation and technology infrastructure that includes streets, roads, curbs, gutters,

sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, spaceports for reusable launch vehicles with associated runways and launch, recovery, fuel manufacturing, and cargo holding facilities, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;

- (5) costs incurred in connection with the redevelopment activities allowed under [7-15-4233](#);
- (6) acquisition of infrastructure-deficient areas or portions of areas;
- (7) administrative costs associated with the management of the urban renewal area, industrial district, technology district, or aerospace transportation and technology district;
- (8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at its fair value;
- (9) the compilation and analysis of pertinent information required to adequately determine the needs of an urban renewal project in an urban renewal area, the infrastructure needs of secondary, value-adding industries in the industrial district, the needs of a technology infrastructure development project in the technology district, or the needs of an aerospace transportation and technology infrastructure development project in the aerospace transportation and technology district;
- (10) the connection of the urban renewal area, industrial district, technology district, or aerospace transportation and technology district to existing infrastructure outside the district;
- (11) the provision of direct assistance, through industrial infrastructure development projects, technology infrastructure development projects, or aerospace transportation and technology infrastructure development projects, to secondary, value-adding industries to assist in meeting their infrastructure and land needs within the district; and
- (12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

A tax increment program is authorized for 15 years or longer if the tax increment revenue is pledged to the payment of tax increment bonds. 7-15-4289, MCA provides for the use of tax increments for bond payments. The tax increment may be pledged to the payment of the principal of premiums, if any, and interest on bonds, which the municipality may issue for the purpose of providing funds to pay such costs.

The City of Bozeman will use Tax Increment Financing in the Bozeman Midtown Urban Renewal District as defined in this Urban Renewal Plan. The base year for the purposes of measuring any incremental value within the original district boundaries will continue to be 2006, while the base year for the expanded portions of the district will be 2015.

Per 7-15-4291, MCA, the City of Bozeman may enter into agreements with the other affected taxing bodies to remit to such taxing bodies any portion of the annual tax increment not currently required for the payment of the costs listed in [7-15-4288](#), MCA or pledged to the payment of the principal of premiums, if any, and interest on bonds.

#### Other Financing Mechanisms

There are a number of financial assistance programs that can be used in the revitalization of the Bozeman Midtown Renewal District in addition to Tax Increment Financing. Financing strategies for addressing urban renewal needs identified in this Plan will likely include combining various funding sources. For example, a local special improvement district might be used in combination with a Montana Board of Investment Intercap loan to match federal or state dollars. The following is a summary of programs available to fund urban renewal projects:

### ***Transportation Infrastructure***

This section describes funds and funding sources that are available to finance urban renewal transportation related projects. These funding methods, such as local option taxes, improvement districts and other types of bonds, enable local citizens to participate in funding projects. In general, however, the ability to use additional property tax levies to fund urban renewal is governed by Montana Statute under 15-10-402 MCA that limits taxes to 1996 levels.

#### ***A. Bridge and Road Mills (Property Taxes)***

Montana law provides for cities (7-14-4101, MCA) to manage transportation infrastructure. Counties are specifically responsible for all the bridges in a county, including those within cities and towns, except those managed by the Montana Department of Transportation. Municipalities may establish a road fund under 7-14-4113 MCA.

#### ***B. Transportation Improvement Authority***

Established under 7-14-1001, MCA, the purpose of a transportation improvement authority is to blend the interests of local, state, and federal governments with the interests of the general public and the business community to build, modify, or improve transportation facilities and systems within its jurisdiction. A county and a municipality within a county may, by joint resolution, create a transportation improvement authority. The Authority may enter into contracts and accept local, state, federal and private funds to undertake transportation projects.

#### ***C. Transportation Alternatives Program (TA Program), Montana Department of Transportation***

The Transportation Alternatives (TA) Program authorized under Section 1122 of the Federal Highway Administration's Moving Ahead for Progress program -MAP-21 (23 U.S.C. 213(b), 101(a)(29)), replaces the former Community Transportation Enhancement Program. It provides approximately \$4 million annually to eligible entities including local governments, for activities defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for the planning, design or construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways.

#### ***D. State Fuel Tax***

Under 15-70-101, MCA, Montana assesses a tax on gasoline and diesel fuel used for transportation purposes. Each municipality receives a portion of the total tax funds allocated to cities and Towns based on:

- 1) The ratio of the population within each municipality to the total population in all cities and Towns in the State;
- 2) The ratio of the street mileage within each municipality to the total street mileage in all incorporated cities and towns in the State. The street mileage is exclusive of the Interstate, National Highway, and Primary Systems.

All fuel tax funds allocated to local governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city streets and alleys. Priorities for the use of these funds are established by the cities receiving them.

### ***Debt Financing – All Types of Projects***

Local governments can make use of various kinds of debt financing to fund urban renewal projects. In addition to Tax Increment Financing Bonds discussed above, these include revenue bonds, special improvement district bonds and general obligation bonds. Debt financing enables local governments to finance major infrastructure projects using future revenue from special assessments, user fees, and other forms of revenue. Under 7-7-4101, MCA, a local government has power to incur indebtedness by borrowing money, issuing bonds, issuing notes, entering into leases, entering into lease-purchase agreements, or entering into installment purchase contracts for the following purposes:

- 1) acquiring land for and designing and erecting public buildings;
- 2) acquiring land for and designing and constructing sewers, sewage treatment and disposal plants, waterworks, reservoirs, reservoir sites, and lighting plants;
- 3) supplying the municipality with water by contract and the construction or purchase of canals or ditches and water rights for supplying municipality with water;
- 4) designing and constructing bridges, docks, wharves, breakwaters, piers, jetties, and moles;
- 5) acquiring, opening, or widening any street and improving the street by constructing, reconstructing, and repairing pavement, gutters, curbs, and vehicle parking strips and to pay all or any portion of the cost relating to the project;
- 6) purchasing or leasing fire apparatus, street and other equipment, and personal property, including without limitation, vehicles, telephone systems, and photocopy and office equipment, including computer hardware and software;
- 7) building, purchasing, designing, constructing, and maintaining devices intended to protect the safety of the public from open ditches carrying irrigation or other water;
- 8) funding outstanding warrants and maturing bonds; and
- 9) repaying tax protests lost by the local government or other municipal corporation.

The local government incurs various administrative costs in conjunction with issuing bonds. These costs include the retention of legal counsel and financial consultants, the establishment of reserve funds and the preparation of the prospectus and various required documents. These bonds provide tax-free interest earnings to purchasers and are therefore subject to detailed scrutiny under both state and federal law. The citations in the Montana Code are listed below, for each type of bond described.

#### ***A. Special Improvement Districts***

Under 7-12-4101, and 7-12-4102 MCA, cities and towns can create special improvement districts for a number of activities including:

- The acquisition, construction or reconstruction of public streets and roads
- The acquisition, construction or reconstruction of sidewalks, culverts, bridges, gutters, curbs, steps and parks including the planting of trees
- The construction or reconstruction of sewers, ditches, drains, conduits, and channels for sanitary or drainage purposes, with outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, connecting sewers, ditches, drains, conduits, channels, and other appurtenances
- The construction of sewer and water systems including fire hydrants



- The acquisition and improvement of land to be designated as public park or open-space land
- The conversion of overhead utilities to underground locations in accordance with [69-4-311](#) through [69-4-314](#), MCA
- The purchase, installation, maintenance, and management of alternative energy production facilities

#### *B. Business Improvement District*

Business Improvement Districts (BIDs) are authorized under 7-12-1101 et. seq MCA. This provision of the law allows the local governing body to assess properties, upon the request of property owners within a district to fund the following activities:

- provide special police, maintenance, or cleaning personnel for the protection and enjoyment of the general public using the business district
- landscape and beautify public areas and to maintain those areas
- contract with the governing body to maintain, operate, or repair public parking facilities
- contract with the governing body to maintain streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities as mutually agreed upon
- promote private investment and business expansion in the district
- provide for the management and administration of the affairs of the district
- promote business activity by advertising, decorating, marketing, and promoting and managing events and other actions designed for the general promotion of business activities in the district
- perform such other functions as are necessary to carry out the purposes of this part and to further the objectives of the district.

#### *C. General Obligation Bonds*

General obligation bonds are backed by the full faith and credit of the local government and must be approved by the voters in an election. General obligation bonds are generally payable from ad valorem taxes (based on the value of property) and expressed in mills. General obligation bonds are attractive to bond buyers because they have voter approval and are not as vulnerable to fluctuations in revenue. Municipalities are assigned a bond debt limit based on a percentage of taxable valuation. General obligation bonds must fall within this limit.

#### *D. Municipal Revenue Bonds*

Under 7-7-4401, MCA, a municipality may issue revenue bonds to finance any project or activity authorized

NOTE: Pursuant to 7-15-4218, MCA, voter approval of urban renewal plan required when general obligation bonds to be used. If the plan or any subsequent modification thereof involves financing by the issuance of general obligation bonds of the municipality as authorized in 7-15-4302(1) or the financing of water or sewer improvements by the issuance of revenue bonds under the provisions of part 44 of chapter 7 or of part 43 of chapter 13, the question of approving the plan and issuing such bonds shall be submitted to a vote of the qualified electors of such municipality, in accordance with the provisions governing municipal general obligation bonds

under chapter 7, part 42, at the same election and shall be approved by a majority of those qualified electors voting on such question.

### ***Railroad Crossing Related Programs***

#### ***A. Federal Surface Transportation Program - Rail/Highway Crossing Protective Devices Program***

The purpose of the Federal Rail/Highway Crossing – Protective Devices Program is to identify high hazard rail crossing sites and install new rail crossing signals. MDT's Rail - Highway Safety manager is responsible for surveying, identifying and prioritizing those railroad crossings that require new protective devices or upgrading of existing devices. The funds are distributed on a statewide basis determined by a priority list ranked by a hazard index. The Federal/State ratio is 90% Federal and 10% State.

#### ***B. Federal Surface Transportation Program - Rail/Highway Crossing Elimination of Hazard Program***

The purpose of the Federal Rail/Highway Crossing – Elimination of Hazard Program is to identify high hazard rail crossing sites and construct new rail/highway grade crossings. The program also uses funds to rehabilitate existing grade separations. Grade separation projects are funded with 90% Federal funds and 10% State funds. Since funding for this program is limited, funds are often used in combination with other Federal funding sources to fund costly grade separation projects. Eligible expenditures include the separation or protection at grade crossings, reconstruction of existing crossings and relocation of highways to eliminate crossings. Projects for this program are selected by identifying those sites where only a grade separation will eliminate an identified hazard or where an existing grade separation exists but needs rehabilitation or replacement.

### ***Funding for Public Improvements (Sewer, Water, Roads, Community Facilities, Parks)***

#### ***A. Treasure State Endowment Program ~ Montana Department of Commerce***

The Montana Treasure State Endowment Program (TSEP) is a state-funded program, authorized under 90-6-701 through 710, MCA, and is administered by the Montana Department of Commerce (MDOC). It is designed to assist local governments in financing capital improvements to sewer and water facilities. Funds are derived from the Montana coal severance tax and made available to local governments as matching grants, loans and grant/loan combinations. TSEP also provides matching grants of up to \$15,000 to local governments for preliminary engineering study costs.

TSEP funds may not be used for annual operation and maintenance; the purchase of non-permanent furnishings; or for refinancing existing debt, except when required in conjunction with the financing of a new TSEP project. Grant requests cannot exceed \$500,000 and the local government must typically provide a dollar for dollar match that can include other grant funds. Matching funds can be public or private funds provided by a TSEP applicant to directly support the cost of eligible project activities. There are a number of ways in which local governments can provide matching funds for bridge projects. Eligible types of matching funds include:

- local general funds or other cash;
- proceeds from the sale of general obligation, revenue, special assessment or other bonds;

- entitlement or formula-based federal or state funds such as federal highway funds or payments in lieu of taxes;
- loan or grant funds from a state or federal program (including TSEP loans);
- funds expended for engineering studies, reports, and plans, or other reasonable expenses expended for the preparation of the application, directly related to the project during the period 24 months prior to the TSEP application deadline;
- funds expended after the TSEP application deadline, but before being approved by the Legislature, for project management, final engineering design, and other reasonable expenses necessary to prepare the project as in the TSEP application for the construction phase;
- the value of land or materials provided by the applicant, if appraised within a two-year period preceding the application deadline. The appraisal must be:
  - an impartially written statement that adequately describes the land or materials, and states an opinion of defined value as of a specific date;
  - supported by an analysis of relevant market information; and
  - prepared by a qualified appraiser independent from the applicant.
- the value of labor performed by the applicant's employees on the project, after the TSEP project has been approved for funding and a TSEP contract has been signed, as long as the employee is paid at his or her standard hourly rate of pay and the time worked is adequately documented; and
- the value of machinery used in the process of constructing the project that is owned (or leased) and operated by the applicant. The value of the use of the machinery will be determined using the Federal Emergency Management Agency (FEMA) equipment rate schedules.

*B. The Montana Intercap Program ~ Montana Board of Investments*

The INTERCAP Program is a low cost, variable-rate program that lends money to Montana local governments, state agencies and the university system for the purpose of financing or refinancing the acquisition and installation of equipment or personal and real property and infrastructure improvements. The Board of Investments issues tax-exempt bonds and loans the proceeds to eligible borrowers. In addition to long-term financing, INTERCAP is an excellent source for interim financing.

Funding is always available with no specific cycle. Allocations of \$200,000 and under are considered and approved by the Board of Investments staff. Allocations in excess of \$200,000 are considered and approved by the Board. Funds are released on an on-going basis as the project is completed. The program provides loans at a variable rate plus a one percent loan origination fee on loans over one year and for a term of 5 or 10 years depending on the borrower's legal authority. Short-term loans of less than a year are also available. Interest and principal payments are due bi-annually (February 15 and August 15 of each year). Loans may be pre-paid without penalty with 30 days notice. Types of financing include installment purchase loans, general fund loans, general obligation bonds, revenue bonds and special improvement district and rural improvement district bonds. Gas tax revenues may not be used to service debt. Projects that will use rural improvement district payments to cover the annual debt are limited to a total loan of \$300,000. Intercap funds may be used in association with other grant and loan programs as well as local sources.

### *C. Community Development Block Grant (CDBG)*

The Community Development Block Grant (CDBG) Program is a federally funded grant program that provides assistance to communities with community development needs such as housing, public facilities, economic development and planning grants. All projects must be designed to principally benefit low and moderate-income families. The program was established by the Federal Housing and Community Development Act of 1974 (42 USC 5301) and is administered nationally by the U.S. Department of Housing and Urban Development (HUD). The Legislature authorized the Montana Department of Commerce (MDOC) to administer the program beginning in 1982. Eligible activities include planning, public facilities construction, housing and neighborhood renewal and economic development.

### *D. Public Works Program ~ Economic Development Administration*

The Economic Development Administration (EDA) is an agency within the U.S. Department of Commerce. The purpose of the Public Works Program is to assist communities with the funding of public works and development facilities that contribute to the creation or retention of private sector jobs and to the alleviation of unemployment and underemployment. Such assistance is designed to help communities achieve lasting improvement by stabilizing and diversifying local economies, and improving local living conditions and the economic environment of the area.

Grants are awarded up to a participation level of 80 percent but the average EDA grant covers approximately 50 percent of project costs. Acceptable sources of match include cash, local general obligation or revenue bonds; Community Development Block Grants, TSEP grants and loans, entitlement funds, Rural Development loans; and other public and private financing, including donations.

Projects must result in private sector job and business development in order to be considered for funding. Eligible applicants under this program include any state, or political subdivision thereof, Indian tribe (and other U.S. political entities), private or public nonprofit organization or association representing any redevelopment area if the project is within an EDA-designated redevelopment area. Redevelopment areas, other than those designated under the Public Works Impact Program must have a current EDA-approved Overall Economic Development Program (OEDP) in place.

### *E. Water, Wastewater and Solid Waste Action Coordinating Team*

In 1982, a group of professionals from state, federal, and non-profit organizations that finance, regulate, or provide technical assistance for community water and wastewater systems, decided to start meeting in order to coordinate and enhance their efforts. This group calls itself the "Water, Wastewater and Solid Waste Action Coordinating Team" or W2ASACT for short. W2ASACT meets several times a year to find ways to improve our state's environmental infrastructure. All of the programs represented in W2ASACT have different missions and meet unique needs. However, it has been the common elements shared by the funding programs that have been the driving force of W2ASACT. These programs provide money (grants or loans), take applications from communities to fund their projects, and administer those monies once the project is funded. While W2ASACT cannot change all of the state or federal requirements, it can identify unnecessary duplication of requirements that make compliance difficult for communities.

### ***Voluntary Programs***

In some cases, homeowner associations, business groups or other property owners may finance urban renewal projects voluntary basis.

### **Bozeman Midtown Urban Renewal Program Evaluation and Plan Amendments**

This Urban Renewal Plan will be evaluated on a yearly basis in conjunction with the preparation of the annual report. Measures that may be used in evaluating program success include:

- Increases in the property tax base
- Creation of jobs within the Bozeman Midtown Urban Renewal District
- Elimination of blighted conditions

The plan provides flexibility to accommodate a variety of approaches. However, changes over time may necessitate more formal amendments to the Urban Renewal Plan. The Urban Renewal Plan may be modified by ordinance under 7-15-4221 MCA.

## Appendix A. Public Meetings Summaries

### North Seventh Urban Renewal Board Meeting August 6, 2015 Summary Notes on Midtown Expansion Statement of Blight

#### Attendees:

##### Board Members

Andrew Cetraro  
Susan Fraser  
Tracy Menez  
Austin Rector  
Carl Solvie  
Carson Taylor

##### Board Members Absent

Scott Hedglin  
Kevin Cook  
Bill Fogarty

Esther Schwier

##### Staff

David Fine  
Allyson Brekke  
Tom Rogers  
Brit Fontenot

##### Consultants

Lanette Windemaker

##### Public Attendees

Steve Johnson, School Superintendent

This is the Statement of Blight on the 7 areas that we were directed to review. It will be going to the City Commission on August 24 as an attachment to the Resolution of Necessity. Our review of the areas for possible expansion documents the conditions in these areas, generally finding them to be eligible for inclusion in the District, for reasons which include.

- The presence of obsolete buildings and aging public infrastructure
- Deteriorating or lack of sidewalks creating unsafe conditions for pedestrians
- Dead-end, incomplete or unconnected streets
- Vacant, neglected empty spaces within the urban core of Bozeman
- Faulty lot layout, characterized by poor drainage and/or excessive or undeveloped access

Andrew – we need to be sure that the focus continues to be N7th and existing businesses, and doesn't shift to the grass (open undeveloped) areas.

Carl – we should be able to promote development as well as focus on redevelopment

Andrew – Convention center is probably not a focus.

Carl – agrees with the N7th focus.

Carson – Murdoch's is an obvious addition because it is on N7th, and 1 and 2 at the south end as well. They allow a continuation of Main Street to N7th.

Lanette – there will be in the new plan a chapter that addresses criteria for ranking, and given the original premise for this URD, redevelopment along N7th will probably always ranking higher than new development of the grass areas.

Dave – will the school board support the inclusion of the rest of Whittier.

Steve Johnson – agrees with the premise on Murdoch's, but of other areas are going to develop anyway, why not let the school district benefit from the taxes. Would like the URD board to consider supporting enhancement to Whittier.

Dave – I see support Whittier as incentivizing residential in the area.

Lanette – Based on previous input support for Whittier will be included in the plan.

It was the Unanimous Recommendation of the Board to Support the 7 Areas of Expansion.

**Summary Notes**  
**North Seventh Urban Renewal Board Meeting on**  
**North Seventh Avenue (Midtown) Urban Renewal Plan/District Expansion**  
**July 14<sup>th</sup>, 2015**

**Attendees:**

Board Members

Scott Hedglin, Chair – voting  
Andrew Cetraro – voting  
Kevin Cook  
Carl Solvie – voting  
Austin Rector  
Carson Taylor – City Commission Liason  
Susan Fraser – voting  
Esther Schwier

Absent: Bill Fogerty - voting

Staff

David Fine  
Allyson Brekke

Tom Rogers

Brit Fontenot

Consultants

Janet Cornish  
Lanette Windemaker  
Tony Becken-Gaddo, Dowl – Easement  
Acquisition on North 7th

Public Attendees

Gary Lusin, School Board Trustee  
Rob Watson, School Superintendent  
Cyndy Andrus, City Commission  
Eric Garberg, Planning Board Chair  
Kyle Scarr, TD&H

Input on Expansion:

Include all areas as previously decided, plus the remainder of the Whittier School property and the area just north of Murdock's (pending annexation).

Input on Urban Renewal Plan:

- ✓ Increase the tools available for urban renewal activities including:
  - Public-Private Partnerships
  - Revolving Loan Programs
  - Fee mitigation
  - Grants (augment existing grant program)
  - Relaxation of sign ordinance (perhaps as an incentive tool)
  - Impact fee reimbursement
  - Other investment incentives such as writing down the cost of land to facilitate major projects in the district
- ✓ Expand trail system north of I-90
- ✓ Improve safety for students through the Safe Routes to School Program
  - Whittier School
  - Bozeman High School
- ✓ Develop open space and event areas

- Aspen as a “festival street” and public anchor
- The BMX area (if included in the District)
- ✓ Improve area infrastructure
  - Enhance intersections
  - Connect infrastructure in and out of the district
  - Improve water, sewer and transportation infrastructure
  - Reconstruct streets
  - Create 8<sup>th</sup> Avenue where it is missing as an important secondary access
  - Improve broadband services to and within the district
- ✓ Engage in urban renewal activities as provided for in statute; e.g. “to improve, clear, or prepare for redevelopment any real or personal property in an urban renewal area” (7-15-4233 MCA)
- ✓ Promote/Market Midtown
  - Branding programs including those that tie “Midtown” to MSU
  - Gateway development
  - Marketing and outreach plans
- ✓ Promote mixed-uses and higher density development, such as upper story residential development
  - Stimulate critical residential mass to help support commercial development
- ✓ Coordinate mixed use development with better pedestrian access
- ✓ Develop a variety of housing types in the urban renewal area
  - Co-op
  - Transitional
  - Senior/Special Needs
  - Income diverse
- ✓ Provide for “live-work” opportunities in the district (targeting millennials as well as other groups who want to live and work in close proximity.)
- ✓ Install way-finding signage
  - Within the district
  - On I-90
  - Use the “Midtown” brand in the signage (early on to establish the name in association with the district)
- ✓ Address design and zoning issues in the district
  - Provide choices to property owners for boulevard plantings, including drought tolerant plantings for sustainable water use
  - Address the medians – Should the medians be removed to make the area more like a CBD or should they be kept and enhanced, perhaps as gateway features?
  - Raise the building height restrictions to promote more multi-story buildings
  - Use design elements to link Midtown to Downtown
  - Install “traffic calming” art work
  - Develop a specific “vision” of the urban renewal district’s character – more like downtown?
    - Greater pedestrian orientation
    - Less of a vehicular pass through
  - Relax parking requirements



- Relax signage restrictions
- ✓ Undertake Economic Development Planning that considers
  - A Convention/Conference Center
  - High-Tech companies (“groupings”)
  - Facilitation of “big deals”, through land acquisition, consolidation and roadblock reduction
- ✓ Discourage business enterprises that create blighted conditions in the district through:
  - Zoning
  - Parking requirements
  - Design standards
- ✓ Provide an opportunity for a representative of the Bozeman School District to sit on the urban renewal board
- ✓ Stimulate residential development in the Whittier School attendance area to take advantage of this neighborhood school
- ✓ Help make improvements to obsolete facilities at the Whittier School
  - Planning and design assistance
  - Capital projects
- ✓ Provide for public parking
  - Parking structure
  - Shared parking programs
- ✓ Support multi-modal transportation
  - Develop bus stops in the district
  - Improve pedestrian safety at crossings and throughout the district
- ✓ Foster sustainable approaches to:
  - Water use
  - Energy use – provide incentives for projects that use alternative energy
  - Storm water mitigation (preferably not using developable land)
- ✓ Work with Gallatin College to develop partnerships in higher education for
  - Continuing education
  - Distance learning
- ✓ Address ongoing maintenance needs including snow removal using various funding mechanisms (TIF, BID)
- ✓ Participate in environmental mitigation/remediation efforts

## Appendix B. Planning Consistency Review

### Planning Consistency

Per Section 7-15-4213, MCA, prior to its approval of an urban renewal project, the local governing body shall submit the urban renewal project plan to the planning commission of the municipality for review and recommendations as to its conformity with the growth policy and the planning commission shall submit its written recommendations to the local governing body.

The efforts of local Planning Boards to prepare land use recommendations for the Bozeman area began in 1955, when the first municipal Planning Board was formed. In April of 1958, S.R. DeBoer & Company (planning consultants from Denver, CO) prepared Bozeman's first Master Plan. It included studies on transportation, street planning, zoning districts, parks and recreation, schools, park roads, and sanitation and health.

The City made significant progress in comprehensive planning with the October 2001 adoption of the Bozeman 2020 Community Plan (2020 Plan). The 2020 Plan wholly replaced all previous comprehensive plans and complied with the new planning standards. The 2020 Plan recognized the changing nature of the economy and expanding knowledge of community development standards and consequences. The 2020 Plan also put a higher emphasis on coordinated land use and physical infrastructure planning.

The *Bozeman Community Plan* was duly adopted as the current growth policy by the Bozeman City Commission by City of Bozeman Resolution No. 4163, dated June 1, 2009. In addition, Bozeman has completed many infrastructure and topic plans that have some influence on the area included under the Bozeman Midtown Urban Renewal District Plan. Some applicable plans are:

- Design and Connectivity Plan for North Seventh Avenue Corridor.
- Design Objectives Plan for Entryway Corridors.
- Design Guidelines for Historic Preservation and the Neighborhood Conservation Overlay.

### North Seventh Avenue Urban Renewal District Plan; October, 2006

In August of 2005, the Bozeman City Commission adopted Resolution 3839, a Resolution of Necessity, and subsequently approved Ordinance 1685, on November 27, 2006, which created the North Seventh Avenue Urban Renewal District and adopted the North Seventh Avenue Urban Renewal Plan with a provision for tax increment financing, to be calculated using a base year of 2006.

The following excerpts and specific statements were included in the 2006 North Seventh Avenue Urban Renewal Plan demonstrating conformance with the Bozeman 2020 Community Plan and describing the land uses and zoning in the area at that time.

#### “Growth Policy Land Use Designations

The Bozeman 2020 Community Plan designates the area along the N 7<sup>th</sup> Corridor as Neighborhood Commercial, Regional Commercial and Industrial. Some of the area east of N 5th Avenue between Tamarack and Oak is designated Residential and the area east along Oak Street contains Regional Commercial and Industrial designations.

### Zoning Classifications

The District primarily consists of “B-2 Community business District” zoned parcels. East of the corridor, two large vacant parcels are zoned “R-4 Residential High Density District”, and “M-1 Light Manufacturing” zoned parcels are located on the north end of the study area

### Land Area

The District encompasses roughly 323 acres or approximately 30 of the approximately 10,763 acres which comprised the total area of the city of Bozeman in August, 2005.

### Land Use

The District primarily includes areas of commercial, residential, agricultural, industrial, and public uses.

### Commercial Activity

The District includes one of the city’s oldest auto oriented commercial strips. Much of the area was developed more than fifty years ago and much has been developed or will develop largely due to the influences of transportation features, particularly North Seventh Avenue, Interstate 90 and Oak Street. These transportation corridors shape many of the elements of the District including platting of land and land use, access, traffic and circulation, and development patterns

### Residential Neighborhoods

Well established and well kept residential neighborhoods adjoin North Seventh Avenue commercial development on both the east and west. A portion of these neighborhoods is included in the District to assure that redevelopment of the Corridor includes careful consideration of the issues associated with these established residential areas.”

### **Review of the Bozeman Midtown Urban Renewal District Plan’s Consistency with the Bozeman Community Plan**

To comply with state statute, this Bozeman Midtown Urban Renewal District Plan must be reviewed by the Bozeman City Planning Board and found to be in conformance with the *Bozeman Community Plan*. On October 20<sup>th</sup>, 2015 the City Planning Board reviewed the Bozeman Midtown Urban Renewal District Plan as outlined in this chapter and found it to be in conformance with the growth policy as required by 7-15-4213 MCA.

### **Growth Policy Review**

The *Bozeman Community Plan* was reviewed in order to determine whether the growth policy adequately supports the urban renewal project (per 7-15-4213 MCA). The *Bozeman Community Plan* has been found to include:

- Goals and Objectives that support the urban renewal, economic development, and development of infrastructure that encourages urban renewal and economic development in the community.
- The inclusion of tax increment financing among the strategies to be implemented to achieve the *Bozeman Community Plan’s* goals and objectives.
- The identification of land use through maps and/or text of lands.

An overall review of the goals and objectives of the growth policy indicates no conflicts for an urban renewal project with the growth policy. The following selections from the *Bozeman Community Plan* demonstrate conformance of the Bozeman Midtown Urban Renewal District Plan to the vision, goals and objectives of the *Bozeman Community Plan*.

### **1-2 Vision Statement (Page 1-2)**

- Bozeman’s unique identity, characterized by its natural surroundings, its historic and cultural resources, and its downtown, which is the heart and center of the community, is preserved and enhanced.
- Bozeman’s economy is strong, diverse and sustainable.
- Our natural resources are protected and preserved for future generations.
- A diversity of recreational facilities, activities, and parks are provided.
- Public services and infrastructure support our growing population in a cost-effective manner.
- The community development pattern is sustainable, and preserves our health, safety, and quality of life.
- The housing stock provides quality, affordability, and choice.
- Our development pattern encourages and enables the use of diverse modes of transportation.
- Our quality of life is enhanced by the arts.
- Our governmental agencies, including the City of Bozeman and Gallatin County, work together in a cooperative and coordinated way for the good of the region.
- An actively engaged citizenry has a wide array of opportunities to participate in civic life.
- Our community recognizes that the individual and collective choices we make have consequences.

### **1.3 Addressing Growth & Change Goals and Objectives**

**Goal G-1: Growth Management - Promote the unique history and character of Bozeman by preserving, protecting, and enhancing the overall quality of life within the planning area.**  
(Page 1-3)

**Rationale:** To ensure that Bozeman remains a great place to live, work, operate a business, and play we need to protect the qualities that make people and companies want to be here in the first place.

- **Objective G-1.1:** Ensure growth is planned and developed in an orderly and publicly open manner that maintains Bozeman as a functional, pleasing, and social community.
- **Objective G-1.2:** Ensure that adequate public facilities, services, and infrastructure are available and/or financially guaranteed in accordance with facility or strategic plans prior to, or concurrent with, development.
- **Objective G-1.3:** Require development to mitigate its impacts on our community as identified and supported by evidence during development review, including economic, health, environmental, and social impacts.
- **Objective G-1.4:** Ensure that Bozeman grows in a sustainable manner with consideration for climate change, health and safety, food production, housing, employment opportunities, natural hazard mitigation, and natural resource conservation.

**Goal G-2: Implementation – Ensure that all regulatory and non-regulatory implementation actions undertaken by the City to achieve the goals and objectives of this plan are effective, fair, and are reviewed for consistency with this plan on a regular basis. (Pages 1-3 and 1-4)**

### **3.3 Land Use Goals and Objectives**

**Goal LU-1: Create a sense of place that varies throughout the City, efficiently provides public and private basic services and facilities in close proximity to where people live and work, and minimizes sprawl. (Page 3-6)**

**Rationale:** A sense of community is strengthened by distinctive areas which facilitate neighborhood identity. This is strengthened when essential services are available and encourage informal interactions. Full featured neighborhoods allow extensive interaction and build identity with a specific part of the community. A sense of place does not prohibit change or continued evolution of the community.

- **Objective LU-1.1:** The land use map and attendant policies shall be the official guide for the development of the City and shall be implemented through zoning regulations, capital improvements, subdivision regulations, coordination with other governmental entities, and other implementation strategies.
- **Objective LU-1.2:** Review and revise regulatory standards and City policies to ensure that develop advances the vision, goals, and objectives of this plan, and sprawl, as defined in Appendix K (of the Community Plan), is discouraged.
- **Objective LU-1.3:** Encourage positive citizen involvement in their neighborhood and community.
- **Objective LU-1.4:** Provide for and support infill development and redevelopment which provides additional density of use while respecting the context of the existing development which surrounds it. Respect for context does not automatically prohibit difference in scale or design.

**Goal LU-2: Designate centers for commercial development rather than corridors to encourage cohesive neighborhood development in conjunction with non-motorized transportation options. (Page 3-7)**

**Rationale:** Transportation and land use are closely connected. A center based development pattern is more land and resource efficient and supports the goals of community and neighborhood development and sustainability. Future growth will cause additional demand for and use of transportation facilities. A center based development pattern can reduce future demand.

- **Objective LU-2.1:** Locate high density community scale service centers on a one mile radius, and neighborhood service centers on a one-half mile radius, to facilitate the efficient use of transportation and public services in providing employment, residential, and other essential uses.
- **Objective LU-2.2:** Provide for a limited number of carefully sited regional service centers which are appropriately sized and serviced by adequate infrastructure.
- **Objective LU-2.3:** Encourage redevelopment and intensification, especially with mixed uses, of brownfields and underutilized property within the City consistent with the City's adopted standards. Using this approach rehabilitate corridor based commercial uses into a pattern more supportive of the principles supported by commercial centers.

**Goal LU-3: Strengthen the Historic Core of Bozeman to preserve the community character, economic resource, and historical connection represented by this area. (Page 3-7)**

**Goal LU-4: Sustainability, Natural Environment and Aesthetics – Ensure adequate review of individual and cumulative environmental and aesthetic effects of development to preserve the viewsheds, natural functions, and beauty which are a fundamental element of Bozeman’s character. Design and development in a quantifiably sustainable manner are desirable. (Pages 3-8 and 3-9)**

**Rationale:** The natural environment is a key aspect of Bozeman’s appeal. Accidental or deliberate injury to the natural environment can be very costly to repair and can have substantial impacts on City functions. Individual actions can cause incremental change which is unacceptable. Human use of resources will cause impacts. Development within the City can provide significant protection for valued natural resources within the larger community of Gallatin County.

- **Objective LU-4.1:** Protect important wildlife habitats, and natural areas which provide for beneficial functions, such as floodplains.
- **Objective LU-4.2:** Protect the viewshed, including ridgelines, surrounding and within Bozeman to preserve the natural character and mountain setting which helps to make Bozeman unique.
- **Objective LU-4.3:** Encourage the creation of well-defined residential neighborhoods. Each neighborhood should have a clear focal point, such as a park, school, other open space or community facility, and shall be designed to promote pedestrian convenience. To this end, the City shall encourage the use of historic Bozeman neighborhoods, including a significantly interconnected street system, as models for the planning and design of new residential neighborhoods.
- **Objective LU-4.4:** Review and revise the City’s regulations to encourage and support sustainability in new construction and rehabilitation or redevelopment of existing areas.
- **Objective LU-4.5:** Generation of renewable energy including solar and wind power as an accessory use is encouraged with proper design and compatibility to adjacent uses.
- **Objective LU-4.6:** All mixed use areas should be developed on a grid of connectivity, including streets, alleys, driveways, and parking areas that contain multimodal facilities and a high level of connectivity to adjacent development. Shared use, underground, or other structured parking is recommended to reduce surface parking area.
- **Objective LU-4.7:** Stormwater systems should be designed using Low Impact Development principles.
- **Objective LU-4.8:** Promote the efficient use of water, energy, land, human resources, and natural resources and protect water supply quantity and quality.
- **Objective LU-4.9:** Recognize the cumulative effects of changes in land use and develop equitable means to evaluate, avoid, and/or respond to negative cumulative impacts. Recognize the value of well designed and implemented urban development in minimizing impacts from existing and future development.
- **Objective LU-4.10:** Encourage development throughout Gallatin County to occur within existing municipalities and support the local ability to address and manage change and growth.

### **4.3 Community Quality Goals and Objectives**

**Goal C-1: Human Scale and Compatibility — Create a community composed of neighborhoods designed for the human scale and compatibility in which the streets and buildings are properly sized within their context, services and amenities are convenient, visually pleasing, and properly integrated.** (Page 4-3)

**Rationale:** A community’s physical form, rather than its land uses, is its most enduring characteristic. We should design places for people as the primary user. Good design looks good and feels good. The spatial relationships in our environment in large part determine our experience of the place. Scale and context should be the beginning point of any discussion of community quality.

- **Objective C-1.1:** - Expand design review programs citywide to ensure well designed spaces throughout the community.
- **Objective C-1.2:** - Update design objectives to include guidelines for urban spaces and more dense development.
- **Objective C-1.3:** Support compatible infill within the existing area of the City rather than developing land requiring expansion of the City’s area.
- **Objective C-1.4:** Achieve an environment through urban design that maintains and enhances the City’s visual qualities within neighborhood, community and regional commercial areas.

**Goal C-2: Community Circulation — Create a circulation system both vehicular and pedestrian that is fully connected, integrated, and designed for ease of use.** (Page 4-4)

**Rationale:** Street and roadway layouts have an impact on the community far beyond their costs of construction; they create the mental image one is left with after visiting a place. Options for travel by modes other than in an automobile can increase the physical health of the community and fight the current obesity epidemic. Moving about the community through multiple modes of transportation should be safe, pleasant, easy, and available to all. Instead of a project-by-project struggle to accommodate bicycle- and pedestrian-friendly practices, complete streets policies require road construction and improvement projects to begin by evaluating how the right-of-way serves those who use it.

- **Objective C-2.1.:** Require adequate and efficient circulation in all subdivisions and site plans and provide connectivity between developments and major destinations for both the pedestrians and vehicles, including human powered vehicles.
- **Objective C-2.2:** Develop standards for complete streets that will apply to City streets and to private drive aisles.
- **Objective C-2.3.:** Investigate the expansion of shared use pathways within the City.
- **Objective C-2.3.:** Require alleys in all new development both commercial and residential where feasible.
- **Objective C-2.4:** Support Community Transit. Work with the Streamline Transit agency to include transit stops, shelters, seating, lighting or areas improved for future transit stops within development projects where appropriate.
- **Objective C-2.5:** Explore and encourage innovative parking solutions for both residential and commercial projects including parking best practices, expanded parking districts, cash in lieu of parking, and design guidelines for structured parking.

**Goal C-3: Neighborhood Design – New neighborhoods shall be pedestrian oriented, contain a variety of housing types and densities, contain parks and other public spaces, have a commercial center and defined boundaries. (Page 4-5)**

**Rationale:** Good neighborhoods allow choices in housing, recreation, modes of transportation, options for commerce, work, and entertainment while providing a healthy environment and a sense of place and identity that residents can call home.

- **Objective C-3.1:** Encourage the preservation and continuing operation of existing neighborhood schools.
- **Objective C-3.2:** Provide for neighborhood focal points to encourage local identity within the community and provide a place for social interaction.
- **Objective C-3.3:** Establish minimum residential densities in new and redeveloping residential areas.
- **Objective C-3.4:** Create neighborhood Commercial Centers that will provide uses to meet consumer demands from surrounding Residential Districts for everyday goods and services, and will be a pedestrian oriented place that serves as a focal point for the surrounding neighborhoods.
- **Objective C-3.5:** Integrate a wide variety of open lands, such as parks, trails, squares, greens, playing fields, natural areas, orchards and gardens, greenways, and other outdoor spaces into neighborhoods.
- **Objective C-3.6** Ensure that health (as defined in Appendix K (of the Community Plan)) issues within the scope of the City of Bozeman’s responsibility are included in the City’s regulations, policies, and practices.

**Goal C-4: Design Guidelines – Create illustrated design guidelines to give clear direction in design and review of residential and non-residential neighborhoods without unduly constraining architectural style and innovation. (Page 4-6)**

**Rationale:** Design Guidelines allow the community an opportunity to communicate with developers and those who wish to build here. The guidelines are a way to convey to the development community who we are and where we as a community would like to go. The guidelines can be read as a list of values.

- **Objective C-4.1:** Continue to develop the design guidelines for site planning and buildings to emphasize creativity, diversity, and individuality. The design guidelines shall be based on the premise that truly creative design is responsive to its context and contributes to a comfortable, interesting community.
- **Objective C-4.2:** All new residential buildings should be designed to emphasize the visually interesting features of the building, as seen from the public street and sidewalk. The visual impact of garage doors, driveways, and other off-street parking will be minimized and mitigated.
- **Objective C-4.3:** Ensure the development of new residential structures that are aesthetically pleasing through urban design.
- **Objective C-4.4:** Provide for the protection of character and the enhancement of services in existing residential neighborhoods.
- **Objective C-4.5:** Investigate expanding form based zoning as a design review strategy for the City.



**Goal C-5: Public Landscaping and Architecture— Enhance the urban appearance and environment through the use of architectural excellence, landscaping, trees and open space.** (Page 4-7)

**Rationale:** The benefits of a well developed landscape are myriad: beautification of the environment, animal habitat, reduction of the heat island effect, stormwater control, and opportunities for recreation and human interaction.

- **Objective C-5.1:** Provide street trees in all public rights of way to establish a human scale to transportation corridors.
- **Objective C-5.2:** Encourage inclusion of plazas and other urban design features as public areas within developments.
- **Objective C-5.3:** Continue to develop the design guidelines to encourage innovative landscaping including urban hardscapes, public art, plazas, roof gardens, green walls, and other features to emphasize the urban qualities of individual projects.
- **Objective C-5.4:** Continue to develop the design guidelines to provide direction to naturalizing stormwater systems and integrating them into the landscape as an amenity.

**Goal C-6: Support Sustainability— Provide a framework to integrate the functional systems of a development into the site planning and building architecture.** (Page 4-8)

**Rationale:** The support and encouragement of new technologies and techniques to make our developments more sustainable while still maintaining good design and an aesthetically pleasing cityscape is obligatory in the face of today’s global environmental challenges.

- **Objective C-6.1:** Continue to develop the design guidelines to encourage the treatment of stormwater on site with an aesthetic and integrated approach utilizing Low Impact Development principles. Provide incentives for innovation.
- **Objective C-6.2:** Continue to develop the design guidelines to provide direction for the integration of site based power generation (solar, wind, geothermal, etc.) in both commercial and residential projects.
- **Objective C-6.3:** Encourage and support energy conservation and efficiency in all aspects of development.
- **Objective C-6.4:** Continue to develop the design guidelines and ordinances to implement best dark sky lighting practices including utilizing new technologies to reduce impacts to the night sky.

### **5.3 Historic Preservation Goals and Objectives**

**Goal HP-1: Protect historically and culturally significant resources that contribute to the community’s identity, history, and quality of life.** (Page 5-5)

**Goal HP-2: Promote protection of historically and culturally significant properties through education and outreach in order to increase community awareness and identity.** (Page 5-6)

### **6.3 Housing Goals and Objectives**

**Goal H-1: Promote an adequate supply of safe, quality housing that is diverse in type, density, cost, and location with an emphasis on maintaining neighborhood character and stability.** (Page 6-3)

**Goal H-2: Promote the creation of housing which advances the seven guiding land use principles of Chapter 3.** (Pages 6-3 and 6-4)

**Goal H-3– Encourage an adequate supply of affordable housing and land for affordable housing.** (Page 6-4)

### **7.3 Arts and Culture Goals and Objectives**

**Goal AC-1: Support public and private arts and cultural opportunities in the Bozeman community for the enjoyment of all persons.** (Page 7-3)

### **8.3 Economic Development Goals and Objectives**

**Goal ED-1: Promote and encourage the continued development of Bozeman as a vital economic center.** (Page 8-4)

**Rationale:** Economic vitality supports the social and cultural fabric of the community and provides for physical needs of the citizens.

- **Objective ED-1.1:** Support business creation, retention, and expansion. Emphasize small businesses, ‘green’ businesses, and e-businesses.
- **Objective ED-1.2:** Coordinate the provision of infrastructure necessary to support economic development.
- **Objective ED-1.3:** Foster a positive economic climate through a well managed and aesthetically pleasing built environment, and by maintaining a beautiful and healthy natural environment to promote and attract businesses with a desirable impact on the community.
- **Objective ED-1.4:** Encourage ongoing improvements in private infrastructure systems, such as telecommunications, and promote state-of- the-art facilities.
- **Objective ED-1.5:** Encourage, through the use of incentives, the development of business and industry that provides wages that are proportionate to, or are higher than, the cost of living and provide options to expand skills and opportunities for Bozeman’s workforce.
- **Objective ED-1.6:** Utilize the City’s economic development and urban renewal plans to stimulate investment and maintain a health and vibrant economy.
- **Objective ED-1.7:** Support efforts by the Bozeman Convention and Visitors Bureau, the Bozeman Area Chamber of Commerce, the Downtown Bozeman Partnership, Prospera Business Network, MSU-Bozeman and others to promote Bozeman. (Source: Bozeman Economic Development Plan)
- **Objective ED-1.8:** Leverage local, state, and federal economic development resources to enhance economic growth in Bozeman. (Source: Bozeman Economic Development Plan)

**Implementation Policies:** 2-6, 10, 12-14, 16, 24, 25, 26, 47-56, 72, 77, 78, 80, 81, 83, 84, 86-88

**Goal ED-2: Support balanced policies and programs to encourage a durable, vigorous, and diverse economy.** (Page 8-5)

**Rationale:** A lack of balance in economic policy can lead to loss of community viability by sacrificing high long term value community assets for short term, “quick fix” benefits. It is important to recognize the economic importance of the social, cultural, and natural assets of Bozeman.

- **Objective ED-2.1** Support the preservation of agricultural lands and activities and a viable agricultural community, including community supported agriculture, as an important economic sector in the Gallatin Valley.
- **Objective ED-2.2:** Support the preservation of Gallatin County’s historic agricultural character and rural lifestyle.
- **Objective ED-2.3:** Ensure the viability of agricultural land uses by protecting water sources used for irrigation.
- **Objective ED-2.4:** Foster a diverse economy that will protect the economic climate for existing businesses and maintain opportunities for business expansion.
- **Objective ED-2.5:** Participate in the growing regional economy in a manner that minimizes conflict between jurisdictions and that maximizes natural market strengths.
- **Objective ED-2.6:** Maintain a strong financial position for the City of Bozeman.
- **Objective ED-2.7:** Support Montana State University in its educational and research mission, which contributes to the local and state economy.
- **Objective ED-2.8:** Support education and workforce development initiatives to provide Bozeman with the qualified workers to meet the needs of business. (Source: Bozeman Economic Development Plan)
- **Objective ED-2.9:** Create a more collaborative and effective working partnership between the business community and the City of Bozeman and effectively manage the City of Bozeman’s regulatory environment to accomplish goals without hindering business expansion and economic growth. (Source: Bozeman Economic Development Plan)

**Goal ED-3: Recognize the importance of quality of life elements in attracting and developing economic activity. (Page 8-6)**

**Rationale:** High cultural, educational, and outdoor recreational values are commonly cited reasons for people to visit or live in Bozeman. Protecting and building upon existing strong assets leverages other efforts for economic development. A strong sense of shared community values and mutual support creates a good environment for business and workers to succeed.

- **Objective ED-3.1:** Build upon existing cultural assets such as historic districts, parks, arts festivals, the arts community, and MSU to strengthen the local economy.
- **Objective ED-3.2:** Encourage sustainable development to minimize costs to businesses and customers and protect quality of life.
- **Objective ED-3.3:** Encourage businesses to be good stewards and contributors to the community, including participating in public/private partnerships to meet community needs.

**9.3 Environmental Quality and Critical Lands Goals and Objectives**

**Goal E-1: Continue protecting critical lands as valuable resources for the Community. (Page 9-5)**

**Goal E-2: Ensure good environmental quality of water resources, air, and soils within the planning area. (Page 9-5)**

**Goal E-3: Help address climate change by taking steps towards reducing the City's greenhouse gas emissions. (Page 9-6)**

**Goal E-4: Promote and support responsible use of our natural resources. (Page 9-7)**

**Goal E-5: Maintain a natural and attractive aesthetic character for the Bozeman Area. (Page 9-7)**

### **10.3 Parks, Recreation, Open Space, and Trails Goals and Objectives**

**Goal R-1: Provide for accessible, desirable, and adequately maintained public parks, open spaces, trail systems, and recreational facilities for residents of the community. (Pages 10-4 and 10-5)**

**Rationale:** Quality recreational facilities, such as parks and trails, are an important component of the high quality of life enjoyed by Bozeman residents. Recreational facilities also contribute to the strength of the local economy, encourage healthy lifestyles, and provide venues for arts and cultural events. Finally, the siting of recreational lands, such as parks and open spaces, greatly influences land use patterns, and can be used to protect environmentally sensitive lands.

- **Objective R-1.1:** Make all City recreational facilities and programs accessible to and affordable for all members of the community.
- **Objective R-1.2:** Provide education and information to enhance the utilization and enjoyment of public recreation facilities.
- **Objective R-1.3:** Establish regular and sufficient funding sources to acquire, develop and maintain public parks, trails, and recreational facilities, and to meet the community's recreational programming needs.
- **Objective R-1.4:** Establish and strengthen partnerships with other recreation providers to meet the community's recreational needs in a coordinated and cooperative manner.
- **Objective R-1.5:** Connect the community using trails.
- **Objective R-1.6:** Ensure that parkland's size, location, suitability, and development promote usability.
- **Objective R-1.7:** Ensure equity in the provision of recreation facilities and programs.
- **Objective R-1.8:** Provide clear and concise standards and requirements to ensure predictability for all groups providing, development, and maintaining recreation facilities.
- **Objective R-1.9:** Ensure that the City's recreational facilities are safe.
- **Objective R-1.10:** Plan for the City's recreational facilities citywide and at the site level.
- **Objective R-1.11:** Establish and meet high level of service standards in the provision of recreational facilities and services.
- **Objective R-1.12:** Use parks and open space to protect critical and sensitive lands.
- **Objective R-1.13:** Use parks and recreation facilities as community design features such as a neighborhood focal point.
- **Objective R-1.14:** Continue to provide parks, recreation, open space, and trails facilities that meet or exceed national per capita standards.

**Goal R-2: Provide recreational programming that promotes active, healthy lifestyles. (Page 10-5)**

**Goal R-3: Promote business growth and economic development.** (Page 10-6)

**Rationale:** Excellent recreational facilities attract tourists, residents, and businesses to the community.

- **Objective R-3.1:** Encourage economic vitality in the community by providing excellent recreational facilities.
- **Objective R-3.2:** Provide recreation programs that expand professional competencies, and provide professional and continuing education opportunities to enhance the skills and knowledge of the City's workforce.

**Goal R-4: Use recreational lands to promote arts and culture.** (Page 10-6)

**Rationale:** Recreational lands such as parks are obvious locations to conduct arts and culture events and activities.

- **Objective R-4.1:** Consider arts and culture uses when siting and planning parks, and incorporate venues and public art as appropriate.

**11.3 Transportation Goals and Objectives**

**Goal T-1: Transportation System—Maintain and enhance the functionality of the transportation system.** (Pages 11-4 and 11-5)

**Rationale:** Transportation must be reliable to achieve its function. People depend on the transportation system to meet their needs for both vehicular and non-vehicular travel.

- **Objective T-1.1:** The implementation of the transportation facility plan shall conform to the goals and policies of this Plan to ensure that public and private investments in transportation infrastructure support other land use decisions of the community.
- **Objective T-1.2:** Ensure that the development review process shall coordinate development and transportation services so that necessary facilities, such as pedestrian and vehicular travel ways, are provided concurrently with development.
- **Objective T-1.3:** All development activity shall comply with the right-of-way standards, road locations, and other policies set forth in the transportation facility plan to ensure that an orderly, efficient, effective transportation system is continued and to avoid future problems with inadequate transportation services and options.
- **Objective T-1.4:** Ensure that adequate interconnections are made throughout the transportation system to ensure a variety of alternatives for trip routing and reduce total travel distance.

**Goal T-2: Ensure that a variety of travel options exist which allow safe, logical, and balanced transportation choices.** (Pages 11-5 and 11-6)

**Rationale:** Providing for a variety of travel options supports public health, reduces resource demand, and helps the City operate efficiently and cost effectively. Coordinated and cooperative efforts by all transportation system providers minimize the costs while maximizing benefits.

- **Objective T-2.1:** For the purposes of transportation and land use planning and development, non-motorized travel options and networks shall be of equal importance and consideration as motorized travel options. This balance shall ensure that a variety of travel opportunities are available which do not require the use of automobiles for local trips.

- **Objective T-2.2:** Review and revise parking requirements to ensure provision of parking consistent with other goals of this plan to support commercial and residential activities in the downtown and other areas.
- **Objective T-2.3:** Reduce the negative health and physical impacts of the automobile by coordinating transportation policies to support land use decisions that can decrease the number and length of automobile trips. When considering automobile impacts maintain awareness of all the costs of transportation.
- **Objective T-2.4:** Seek and provide adequate funding to improve and maintain the functionality of all elements of the transportation system.

**Goal T-3: Encourage transportation options that reduce resource consumption, increase social interaction, support safe neighborhoods, and increase the ability of the existing transportation facilities to accommodate a growing city.** (Page 11-6)

**Rationale:** Supporting transit, pedestrian and bicycle travel as an alternative to single occupancy cars can create more capacity for travel at reduced expense. People are more likely to use these modes of travel if they feel safe when they use them.

- **Objective T-3.1:** Promote and support a high-quality public transit system.
- **Objective T-3.2:** Support and encourage Transportation Demand Management to reduce peak travel demands and increase the efficient use of the existing transportation system.

**Goal T-4: Pathways—Establish and maintain an integrated system of transportation and recreational pathways, including streets, bicycle and pedestrian trails, neighborhood parks, green belts and open space.** (Page 11-7)

**Rationale:** The City works with many partners to develop and operate the transportation system in the City. Coordinating among these partners creates a greater value from a complete and functional system rather than disjointed pieces.

- **Objective T-4.1:** Coordinate development of non-motorized transportation systems in conjunction with motor vehicular transportation systems.
- **Objective T-4.2:** Further develop and maintain an interconnected and convenient pedestrian and bicycle network for commuting and recreation as discussed and described in the transportation facility plan and in coordination with the design standards of the transportation facility plan and the Parks, Recreation, Open Space, and Trails Plan.
- **Objective T-4.3:** Review, revise, and update trail/pathway standards to reflect the various types and uses of trails and other non-motorized travel ways.
- **Objective T-4.4:** Continue to improve the existing pedestrian network to increase American’s with Disabilities Act compliance. The long term intent is full accessibility throughout the community transportation system. Give highest priority to those improvements that will provide the greatest access to community centers of activity.

### **12.3 Public Services & Facilities Goals and Objectives**

**Goal PS-1: Facilities and Services- All public facilities and services provided under the authority of the City of Bozeman shall be provided in a reliable, efficient, cost-effective and environmentally sound manner.** (Pages 12-4 and 12-5)

**Rationale:** The City is committed to providing services in a manner which respects the values and priorities of the citizens of the community.

- **Objective PS-1.1:** All service and facilities provided under the authority of the City of Bozeman shall have facility plans which will evaluate current and future needs and best management practices for providing services.
- **Objective PS-1.2:** Implement all facility plans, including transportation, in compliance with the goals and objectives of the City’s growth policy.
- **Objective PS-1.3:** Strive to coordinate the provision of services with other governmental agencies to prevent overlap, excessive cost, and to provide the highest quality services.
- **Objective PS-1.4:** Balance maintenance of existing facilities with the need to provide new facilities so that existing users do not suffer a reduction in service quality in order to provide services to new development.
- **Objective PS-1.5:** Sewer Facilities - Provide for public central sewer collection and treatment facilities for all existing and future land uses within the planning area.
- **Objective PS-1.6:** Storm Drainage - Provide for storm drain, flood control and treatment facilities to protect existing and future land uses, preserve public safety and protect surface and groundwater quality.
- **Objective PS-1.7:** Solid Waste - Provide for a balanced and integrated solid waste reduction, recycling and disposal system and design to meet the future needs for the planning area in coordination with other members of the solid waste district.
- **Objective PS-1.8:** Domestic Water - Provide for a safe and adequate water supply, distribution, storage and treatment facilities to support water demand projected by planned land uses in the planning area.
- **Objective PS-1.9:** Fire Protection - Protect the community through a comprehensive fire and life safety program for current and future city needs.
- **Objective PS-1.10:** Police Service — Provide protection of community residents from criminal activity, reduce the incidence of crime, and provide other necessary services to meet current and future needs.
- **Objective PS-1.11:** Library Services - Ensure that high quality library services are provided in an efficient, cost-effective manner.
- **Objective PS-1.12:** Cemetery - Ensure that cemetery facilities are adequately provided, developed, and maintained.

**Goal PS-2: The City shall work with other service and utility providers to ensure the adequate and safe provision of services. (Page 12-5)**

**Rationale:** Public and private utilities often are located within the same rights-of-way and easements. Coordination between providers is essential to prevent conflicts, damage, and injury. Services are necessary to support urban development.

- **Objective PS-2.1:** Education - Ensure that the area around educational institutions has adequate residential parking, facilities, bike paths, safe cross walks, and zoning to ensure a high quality of life for school users and city residents.
- **Objective PS-2.2:** Irrigation Water — Provide adequate protection to the canals from development and to ensure future access to canal water for agricultural use.
- **Objective PS-2.3:** Private Utilities — Facilitate the provision of adequate private utility services within the City while respecting the character of Bozeman.

**Goal PS-3: Establish regular and sufficient funding sources to acquire, develop, and maintain public services, and meet the community’s needs. (Page 12-6)**

**Rationale:** Adequate and reliable funding sources are critical to the provision of quality facilities and services in a quantity sufficient to keep pace with our growing population. Dependable funding which enables correctly timed maintenance of facilities results in the least overall cost of operation.

- **Objective PS-3.1:** Establish regular and sufficient funding sources to acquire, develop, and maintain municipal facilities.
- **Objective PS-3.2:** Continue a blend of enterprise and general fund supported services to most nearly match revenues to sources of demand for service while recognizing the general obligations of good government.
- **Objective PS-3.3:** Encourage the annexation of wholly surrounded parcels, while recognizing the financial impacts on small properties without redevelopment options.

### **13.3 Disaster and Emergency Prevention and Response Goals and Objectives**

**Goal D-1: Recognize the on-going and pervasive opportunity for hazards to occur and act pro-actively to minimize their effects.** (Page 13-2)

**Goal D-2: Recognize and strive to address both chronic as well as acute hazards and the effect of cumulative actions on increasing or decreasing hazards.** (Page 13-3)

### **14.3 Regional Coordination and Cooperation Goals and Objectives**

**Goal RCC-1: Coordinate policies and actions between public entities to increase effectiveness and efficiency of implementation of the Bozeman Community Plan.** (Pages 14-2 and 14-3)

**Goal RCC-2: Utilize inter-local agreements and similar mechanisms to establish formal coordination mechanisms so intent, scope, and functions are well defined to advance cooperation.** (Pages 14-3 and 14-4)

**Rationale:** Elected and appointed officials change membership over time. Having a formal inter-local agreement ensures continuity and consistency of policy over time. Development of agreements facilitates discussion of issues so that pitfalls can be avoided and success is more likely.

- **Objective RCC-2.1:** Document and formalize the practice of the county not approving development within the planning area where the City considers services to be reasonably available.
- **Objective RCC-2.2:** Evaluate means for the City to support the County's proposed transfer of development credit program.
- **Objective RCC-2.3:** Work with Gallatin County to develop standards to facilitate extension of urban services including street widths, utility easements, and subdivision design.
- **Objective RCC-2.4:** Develop joint programs and practices with local, state, and federal entities to address health, safety, and environmental concerns, as well as other issues as may be identified.
- **Objective RCC-2.5:** Work with School District 7 to coordinate future school locations and development to integrate with the City's transportation network, location of residences, and location and use of public parks.



- **Objective RCC-2.6:** Continue coordination with the Montana Department of Transportation so that street construction and maintenance advance the purposes of this plan, support infill and extension of pedestrian and bicycle circulation, and other issues as may be identified.
- **Objective RCC-2.7:** Continue cooperation with Montana State University on transportation, building siting, future land use planning, and other town/gown issues.
- **Objective RCC-2.8:** Recognize the significant influence that state and local agencies, such as the US Forest Service, have on City concerns such as watershed management and recreation.

**Specific Goals and Objectives in the *Bozeman Community Plan* furthering urban renewal and economic stability for the prevention and the elimination of urban blight.**

- **Land Use Objective LU-1.4:** Provide for and support infill development and redevelopment which provides additional density of use while respecting the context of the existing development which surrounds it. Respect for context does not automatically prohibit difference in scale or design.
- **Land Use Objective LU-2.3:** Encourage redevelopment and intensification, especially with mixed uses, of brownfields and underutilized property within the City consistent with the City's adopted standards. Using this approach rehabilitate corridor based commercial uses into a pattern more supportive of the principles supported by commercial centers.
- **Land Use Objective LU-4.4:** Review and revise the City's regulations to encourage and support sustainability in new construction and rehabilitation or redevelopment of existing areas.
- **Economic Development Objective ED-1.2:** Coordinate the provision of infrastructure necessary to support economic development.
- **Economic Development Objective ED-1.4:** Encourage ongoing improvements in private infrastructure systems, such as telecommunications, and promote state-of-the-art facilities.
- **Economic Development Objective ED-1.6:** Utilize the City's economic development and urban renewal plans to stimulate investment and maintain a health and vibrant economy.
- **Economic Development Objective ED-1.8:** Leverage local, state, and federal economic development resources to enhance economic growth in Bozeman.
- **Economic Development Objective ED-2.4:** Foster a diverse economy that will protect the economic climate for existing businesses and maintain opportunities for business expansion.
- **Economic Development Objective ED-2.9:** Create a more collaborative and effective working partnership between the business community and the City of Bozeman and effectively manage the City of Bozeman's regulatory environment to accomplish goals without hindering business expansion and economic growth.

**Evaluation of the Bozeman Midtown Urban Renewal District Plan for conformance with Overall Principles and Goals of the *Bozeman Community Plan*.**

- In conformance with the growth policy, the Bozeman Midtown Urban Renewal District Plan seeks to provide long term economic stability and to use planning and the development of public infrastructure as tools for well managed growth.

- The goals of the Bozeman Midtown Urban Renewal District as stated in the Urban Renewal District Plan are:
  - ✓ Goal #1 Promote Economic Development
  - ✓ Goal #2 Improve Multi-Modal Transportation
  - ✓ Goal #3 Improve, Maintain and Support Innovation in Infrastructure
  - ✓ Goal #4 Promote Unified, Human Scale Urban Design
  - ✓ Goal #5 Support Compatible Urban Density Mixed Land Uses

### **Growth Policy Implementation**

The following selections from the *Bozeman Community Plan* demonstrate conformance of the Bozeman Midtown Urban Renewal District Plan to the implementation strategies and tools of the growth policy.

**16: Implementation** 16.2 Implementation Action Plan **Programs or Detailed Planning Efforts** (Page 16-2) - This growth policy establishes a foundation for programs as well as more detailed plans. For example, a neighborhood plan for Downtown and an Economic Development plan now underway were both initiated through the growth policy. Programs have varying levels of priority, depending on the issues involved. Consequently, the City will initiate them at different intervals. Programs often provide the organizational structure to carry out routine City operations such as street maintenance. Detailed planning also includes the preparation of facility plans.

The *Bozeman Community Plan* chronicles several programs and/or detailed plans that apply to the Bozeman Midtown Urban Renewal District some of which are described as follows:

**8: Economic Development** 8.1 Intent and Background. (Page 8-3) The City has also invested in urban renewal plans for the N. 7th Avenue Corridor, the Downtown area, and the Northeast Neighborhood. These detailed plans help spur reinvestment and preservation of economic activity and resources.

**D.1 Neighborhood Conservation Overlay District** (Pages D-1 and D-2) Enhance property values through the stabilization of neighborhoods and areas of the City, increase economic and financial benefits to the City and its inhabitants, and promote tourist trade and interests.

**D.2 Entryway Corridor Overlay District** (Pages D-2 and D-3) It is the intent and purpose of these requirements to ensure the quality of development along these corridors to enhance the impression and enjoyment of the community by guiding development and change that occurs in these areas. These provisions are also intended to improve signage, landscaping, access and other contributing elements of entry corridor appearance and function.

**Design Objectives Plan for Entryway Corridors.** (Page J-10) The entryways into Bozeman play a significant role in shaping attitudes toward our community. Bozeman has adopted special standards which apply to these areas. Updated in 2005, the design guidelines provide illustrated standards which help implement the purposes adopted by ordinance.

**Design and Connectivity Plan for North Seventh Avenue Corridor** (Page J-11) The redevelopment and rehabilitation of the N. 7th Avenue corridor was the purpose of the formation of an urban renewal district. The corridor plan, prepared by Winter and

Company and adopted in 2006, provides guidance on the design character, opportunities, and challenges for redeveloping the corridor. A group of land owners within the district boundaries advises the City Commission and suggests a work plan each year to advance the plan. An emphasis is placed within the plan on improving pedestrian and bicycle circulation as well as character of different sections of the street corridor.

**16: Implementation** 16.2 Implementation Action Plan **Funding Mechanisms** (Page 16-3) - Bozeman has a longstanding policy to provide the maximum level of services, to the most citizens, in the most cost effective manner, with due consideration given to all costs – economic, fiscal, environmental, and social. In doing so, the city limits on-going expenditures to a level that can be supported with current revenues, uses one-time dollars to fund capital assets or other non-recurring expenditures, and annually adopts a 5year capital improvements plan for construction and maintenance of large city assets. User fees and charges are used, as opposed to general taxes, when distinct beneficiary populations or interest groups can be identified; they are more equitable, since only those who use the service must pay, thereby eliminating the subsidy provided by nonusers to users, which is inherent in general tax financing. The City also uses public/private partnerships, intergovernmental transfers, and private grants when available.

**Table 16-1 Implementation Policies and Actions** (Pages 16-4 thru 16-18)

- Chapter 1, 3. Research and implement incentives and regulations and publicize existing incentives, in accordance with the Bozeman Community Plan, that encourage development within the City of Bozeman. 10, 14, 75, 81
- Chapter 3, Land Use 9. Encourage infill and redevelopment which is respectful of its context. 4, 7, 21, 28, 61, 62
- Chapter 3, Land Use 11. Continue programs which support adaptive reuse, reinvestment, and continued functional and aesthetic viability of the Historic Core. 22
- Chapter 5, Historic Preservation 21a. Use and publicize incentives, such as, but not limited to, public infrastructure funding support and tax abatement, to encourage commercial and residential development or redevelopment of identified infill areas, including brownfields and the Historic Core.
- Chapter 6, Housing 28a. Review and revise as needed standards to infill development, redevelopment, and new development to provide clear guidance and mitigation of objective problems.
- Chapter 8, Economic Development 49. Support the creation and expansion of local businesses. 3, 77, 80
- Chapter 8, Economic Development 49e. Maintain and seek to expand resources available through the City’s revolving loan fund and urban renewal districts.
- Chapter 8, Economic Development 49g. Increase awareness of existing economic and other benefits of and further develop incentives for locating and operating benefits within City limits.
- Chapter 8, Economic Development 53. Recognize sustainability as a component of economic development. 12

**Identified implementation tools and strategies, including tax increment financing, which help to achieve the *Bozeman Community Plan*'s goals and objectives.**

- Provides a foundation for programs as well as more detailed plans, such as urban renewal district plans with tax increment financing programs.
- Describes the use of alternative funding mechanisms when distinct beneficiary populations or interest groups can be identified and more equitably served (such as tax increment financing).
- Encourages development within the City of Bozeman.
- Encourages infill and redevelopment.
- Continues programs which support adaptive reuse and reinvestment.
- Encourages commercial and residential development or redevelopment of identified infill areas through the use of and publicizing of incentives, such as, but not limited to, public infrastructure funding support
- Supports standards for infill development and redevelopment.
- Supports the creation and expansion of local businesses.
- Maintains and seeks to expand resources available through urban renewal districts.
- Increases awareness of existing economic and other benefits of and further develop incentives for locating and operating within City limits.
- Recognizes sustainability as a component of economic development.

**Evaluation of the conformance of the Bozeman Midtown Urban Renewal District Plan with the implementation tools and strategies in the *Bozeman Community Plan*.**

- The Bozeman Midtown Urban Renewal District Plan takes advantage of the urban renewal law offered by the State of Montana Code.
- The Bozeman Midtown Urban Renewal District Plan provides for the opportunity to use tax increment financing to assist with redevelopment and revitalization activities, and encourage the retention and growth of economic development.
- The Bozeman Midtown Urban Renewal District Plan supports the development of infrastructure that encourages urban renewal and economic development in the community.

**Growth Policy Future Land Use**

The growth policy provides a visual policy statement with the identification of the future land use pattern through maps and/or text of lands to help achieve the goals and objectives of the *Bozeman Community Plan*.

The *Bozeman Community Plan* designates the core area along the North 7th Avenue Corridor starting from the north end as Industrial, Regional Commercial and Services, and Community Commercial Mixed Use. The majority of the adjacent neighborhoods are designated Residential, with a couple of small areas designated Parks, Open Space and Recreational Lands and Public Institutions. The description of the future land uses is as follows. A section of Bozeman Community Plan Future Land Use Map and Legend follows the future land use descriptions.

**Regional Commercial and Services.** Bozeman is a retail, education, health services, public administration, and tourism hub and provides opportunities for these activities for a multi-county

region. Often the scale of these services is larger than would be required for Bozeman alone. Because of the draw from outside Bozeman, it is necessary that these types of facilities be located in proximity to significant transportation routes. Since these are large and prominent facilities within the community and region, it is appropriate that design guidelines be established to ensure compatibility with the remainder of the community. Opportunity for a mix of uses which encourages a robust and broad activity level is to be provided. Residential space should not be a primary use and should only be included as an accessory use above the first floor. Any development within this category should have a well integrated transportation and open space network which encourages pedestrian activity, and provides ready access within and to adjacent development.

**Community Commercial Mixed Use.** Activities within this land use category are the basic employment and services necessary for a vibrant community. Establishments located within these categories draw from the community as a whole for their employee and customer base and are sized accordingly. A broad range of functions including retail, education, professional and personal services, offices, residences, and general service activities typify this designation.

In the “center-based” land use pattern, Community Commercial Mixed Use areas are integrated with significant transportation corridors, including transit and non-automotive routes, to facilitate efficient travel opportunities. The density of development is expected to be higher than currently seen in most commercial areas in Bozeman and should include multi-story buildings. A Floor Area Ratio in excess of .5 is desired. It is desirable to allow residences on upper floors, in appropriate circumstances. Urban streetscapes, plazas, outdoor seating, public art, and hardscaped open space and park amenities are anticipated, appropriately designed for an urban character. Placed in proximity to significant streets and intersections, an equal emphasis on vehicle, pedestrian, bicycle, and transit circulation shall be provided. High density residential areas are expected in close proximity. Including residential units on sites within this category, typically on upper floors, will facilitate the provision of services and opportunities to persons without requiring the use of an automobile.

The Community Commercial Mixed Use category is distributed at two different scales to serve different purposes. Large Community Commercial Mixed Use areas are significant in size and are activity centers for an area of several square miles surrounding them. These are intended to service the larger community as well as adjacent neighborhoods and are typically distributed on a one mile radius. Smaller Community Commercial areas are usually in the 1015 acre size range and are intended to provide primarily local service to an area of approximately one-half mile radius. These commercial centers support and help give identity to individual neighborhoods by providing a visible and distinctive focal point.

They should typically be located on one or two quadrants of intersections of arterials and/or collectors. Although a broad range of uses may be appropriate in both types of locations the size and scale is to be smaller within the local service placements.

Mixed use areas should be developed in an integrated, pedestrian friendly manner and should not be overly dominated by any single land use. Higher intensity employment and residential uses are encouraged in the core of the area or adjacent to significant streets and intersections. As

needed, building height transitions should be provided to be compatible with adjacent development.

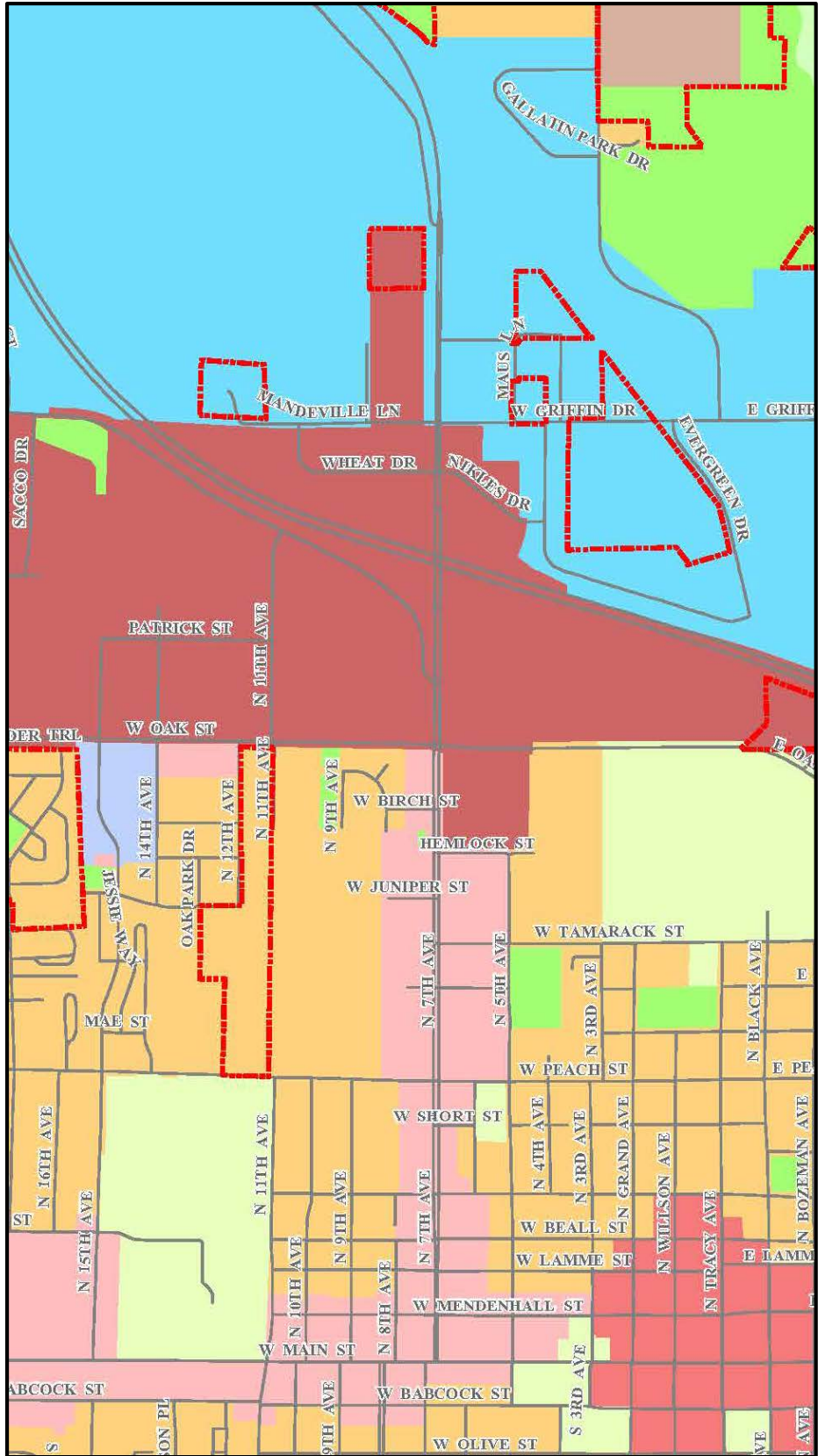
**Industrial.** This classification provides areas for the uses which support an urban environment such as manufacturing, warehousing, and transportation hubs. Development within these areas is intensive and is connected to significant transportation corridors. In order to protect the economic base and necessary services represented by industrial uses, uses which would be detrimentally impacted by industrial activities are discouraged. Although use in these areas is intensive, these areas are part of the larger community and shall meet basic standards for landscaping and other site design issues and be integrated with the larger community. In some circumstances, uses other than those typically considered industrial have been historically present in areas which were given an industrial designation in this growth policy. Careful consideration must be given to public policies to allow these mixed uses to coexist in harmony.

**Residential.** This category designates places where the primary activity is urban density dwellings. Other uses which complement residences are also acceptable such as parks, low intensity home based occupations, fire stations, churches, and schools. High density residential areas should be established in close proximity to commercial centers to facilitate the provision of services and employment opportunities to persons without requiring the use of an automobile. Implementation of this category by residential zoning should provide for and coordinate intensive residential uses in proximity to commercial centers. The residential designation indicates that it is expected that development will occur within municipal boundaries, which may require annexation prior to development.

The dwelling unit density expected within this classification varies between 6 and 32 dwellings per net acre. A higher density may be considered in some locations and circumstances. A variety of housing types can be blended to achieve the desired density. Large areas of single type housing are discouraged. In limited instances the strong presence of constraints and natural features such as floodplains may cause an area to be designated for development at a lower density than normally expected within this category. All residential housing should be arranged with consideration of compatibility with adjacent development, natural constraints such as watercourses or steep slopes, and in a fashion which advances the overall goals of the Bozeman growth policy. The residential designation is intended to provide the primary locations for additional housing within the planning area.

**Public Institutions.** A variety of activities are undertaken in this land use classification. Schools are a dominant use including Montana State University. Other typical uses are libraries, fire stations, and publicly operated utilities. A significant portion of Bozeman's employment occurs within this category.

**Parks, Open Space, and Recreational Lands.** All publicly owned recreational lands, including parks, are included within this category, as well as certain private lands. These areas are generally open in character and may or may not be developed for active recreational purposes. This category includes conservation easements which may not be open for public use.



Legend	
	Roads
	Current City Limits
	Community Plan Boundary
<b>Community Plan Future Land Use</b>	
	Residential
	Residential Emphasis Mixed Use
	Suburban Residential
	Regional Commercial and Services
	Community Core
	Community Commercial Mixed Use
	Business Park Mixed Use
	Industrial
	Public Institutions
	Parks, Open Space and Recreational Lands
	Other Public Lands
	Golf Course
	Present Rural

Figure 3.1:  
Future Land Use  
Map Section

**Future Land Use Designations of the area included in the Bozeman Midtown Urban Renewal District to help achieve the *Bozeman Community Plan's* goals and objectives.**

- The Bozeman Community Plan designates the core area along the North 7th Avenue Corridor as Regional Commercial and Services, Community Commercial Mixed Use, and Industrial.
- The majority of the adjacent neighborhoods have a future land use designation of Residential, with a couple of small areas designated Parks, Open Space and Recreational Lands and Public Institutions.
- Regional Commercial and Services will be implemented by B-2 or UMU zoning districts.
- Community Commercial Mixed Use will be implemented by the B-1, B-2 or UMU zoning districts.
- Industrial land uses can be implemented by any one of the five industrial type zoning districts.
- Residential will be implemented by multiple zoning districts.
- Parks, Open Space and Recreational Lands are functions which can occur in any zoning district.
- Public Institutions can be implemented by the PLI zoning district, but is a function that can occur in any zoning district.

**Evaluation of the Bozeman Midtown Urban Renewal District Plan for Conformance with the Future Land Use Designations.**

- The Bozeman Midtown Urban Renewal District Plan provides a plan for redevelopment of the existing commercially designated area to retain existing and attract new economic development.
- The Bozeman Midtown Urban Renewal District Plan does not suggest any revision to the existing future land use designations.

**Review of the zoning of the area included in the Bozeman Midtown Urban Renewal District for accordance with the Bozeman Unified Development Code**

The City adopted its first zoning ordinance in 1941. The current zoning ordinance, the Unified Development Code of the City of Bozeman, Chapter 38 of the Bozeman Municipal Code was originally adopted in 2005, with the most recent extensive amendment by Ordinance Number 1769 effective on December 28, 2009. The zoning of the area included in the Bozeman Midtown Urban Renewal District must be found to be in conformance with the Bozeman Community Plan. On October 20th, 2015 the City Planning Board reviewed the zoning of the area included in the Bozeman Midtown Urban Renewal District as follows in this section and found the zoning to be in conformance with the growth policy.

In order to demonstrate that the area is zoned for uses implementing the growth policy, the following selections from the Bozeman Unified Development Code have been provided to demonstrate accordance of zoning within the area of the Bozeman Midtown Urban Renewal District to the Bozeman Community Plan.



## ARTICLE 1. - IN GENERAL

Sec. 38.01.040. - Intent and purpose of chapter.

- A. The intent of this unified development chapter is to protect the public health, safety and general welfare; to recognize and balance the various rights and responsibilities relating to land ownership, use, and development identified in the United States and State of Montana constitutions, and statutory and common law; to implement the city's adopted growth policy; and to meet the requirements of state law.
- B. It is the purpose of these regulations to promote the public health, safety and general welfare by: preventing the creation of private or public nuisances caused by noncompliance with the standards and procedures of this chapter; regulating the subdivision, development and use of land; preventing the overcrowding of land; lessening congestion in the streets and highways; providing adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public improvements; requiring development in harmony with the natural environment; promoting preservation of open space; promoting development approaches that minimize costs to local citizens and that promote the effective and efficient provision of public services; protecting the rights of property owners; requiring uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey (MCA 76-3-102).
- C. It is further the purpose of these regulations to: be in accord with the growth policy; securing safety from fire, panic, and other dangers; promoting public health, public safety, and the general welfare; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; having given consideration to ensuring the reasonable provision of adequate light and air, motorized and nonmotorized transportation systems, promoting of compatible urban growth, considering the character of the district and its peculiar suitability for particular uses, conserving the value of buildings, and encouraging the most appropriate use of land throughout the jurisdictional area (MCA 76-2-304).
- D. Further, to support the purposes of MCA 76-2-304 and 76-3-102, these regulations are intended to promote and to provide for the:
  1. Orderly development of the city;
  2. Coordination of streets within subdivided land with other streets and roads, both existing and planned;
  3. Dedication of land for streets and roadways and for public utility easements;
  4. Improvement of streets;
  5. Adequate open spaces for travel, light, air and recreation;
  6. Adequate transportation, water, drainage and sanitary facilities;
  7. Minimization of unnecessary congestion;
  8. Avoidance of unnecessary environmental degradation;
  9. Encouragement of subdivision development in harmony with the natural environment;
  10. Avoidance of danger or injury to health, safety or general welfare by reason of natural hazard or the lack of water, sewer, drainage, access, transportation or other public services;
  11. Avoidance of excessive expenditure of public funds for the provision of public services;
  12. Manner and form of making and filing of plats for subdivided lands;
  13. Administration of these regulations, by defining the powers and the duties of approving authorities, including procedures for the review and approval of all subdivision plats;

14. Division of the city into districts with uniformly applicable standards for development within each district;
  15. To establish standards for the development and use of land;
  16. To establish procedures for the review and approval for the development and use of land; and
  17. The establishment of all other requirements necessary to meet the purposes of this chapter.
- E. Pursuant to MCA 76-2-304, 76-1-605 and 76-1-606, these regulations are also intended to implement the goals and objectives of the city's adopted growth policy. In the case of a difference of meaning or implication between this chapter and the city's adopted growth policy, the growth policy shall control.

**ARTICLE 7. - ZONING DISTRICTS AND ZONING MAP**

Sec. 38.07.010. - Use districts designated, zoning map adopted.

- A. The city is divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by this reference and declared to be a part of this chapter.
- B. For the purpose of this chapter, the city is divided and classified into the following use districts:

R-S	Residential Suburban District
R-1	Residential Single-Household Low Density District
R-2	Residential Two-Household Medium Density District
R-3	Residential Medium Density District
R-4	Residential High Density District
R-O	Residential-Office District
RMH	Residential Manufactured Home Community District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	Central Business District
UMU	Urban Mixed-Use District
M-1	Light Manufacturing District
M-2	Manufacturing and Industrial District
B-P	Business Park District
PLI	Public Lands and Institutions District
NEHMU	Northeast Historic Mixed-Use District
NC	Neighborhood Conservation Overlay District
EO	Entryway Corridor Overlay District
CO	Casino Overlay District
REMU	Residential Emphasis Mixed-use District

The majority of the land within the area of the Bozeman Midtown Urban Renewal District is zoned “B-2 Community Business District”, with adjacent land north of I-90 zoned “M-1 Light Manufacturing”, and the adjacent land south of I-90 classified for residential uses with districts including “R-3 Residential Medium Density”, “R-4 Residential High Density”, and “R-O Residential-Office”. The intent and purpose of each of these zoning districts is described below.

#### ARTICLE 10. - COMMERCIAL ZONING DISTRICTS

Sec. 38.10.010. - Intent and purpose.

- A. The intent and purposes of the commercial zoning districts are to establish areas within the city that are primarily commercial in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one commercial district is to provide opportunities for a variety of employment and community service opportunities within the community, while providing predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other both within the individual districts and to adjoining zoning districts when the standards of this chapter are met and any applicable conditions of approval have been satisfied. Additional requirements for development apply within overlay districts.
2. The intent of the B-2 community business district is to provide for a broad range of mutually supportive retail and service functions located in clustered areas bordered on one or more sides by limited access arterial streets.

#### ARTICLE 12. - INDUSTRIAL ZONING DISTRICTS

Sec. 38.12.010. - Intent and purpose.

- A. The intent and purpose of the industrial zoning districts is to establish areas within the city that are primarily industrial in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one industrial district is to provide opportunities for a variety of employment and community service functions within the community while providing predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other when the standards of this chapter are met and any applicable conditions of approval have been satisfied. Additional requirements for development apply within overlay districts.
1. The intent of the M-1 light manufacturing district is to provide for the community's needs for wholesale trade, storage and warehousing, trucking and transportation terminals, light manufacturing and similar activities. The district should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential development, therefore, some type of screening may be necessary.

#### ARTICLE 8. - RESIDENTIAL ZONING DISTRICTS

Sec. 38.08.010. - Intent and purpose.

- A. The intent and purpose of the residential zoning districts is to establish areas within the city that are primarily residential in character and to set forth certain minimum standards for development within those areas. The purpose in having more than one residential district is to provide opportunities for a variety of housing types and arrangements within the community while providing a basic level of predictability. There is a rebuttable presumption that the uses set forth for each district will be compatible with each other when the standards of this chapter are met and any applicable conditions of approval have been satisfied. Additional

requirements for development apply within overlay districts. All development is subject to section 38.01.050. Residential density is correlated with many community goals and objectives that are contained in the city's adopted growth policy, as well as many standards and purposes of this chapter. Section 38.08.090 sets standards for minimum densities in residential districts which will advance these goals, objectives, and purposes.

4. The intent of the R-3 residential medium density district is to provide for the development of one- to five-household residential structures near service facilities within the city. It should provide for a variety of housing types to serve the varied needs of households of different size, age and character, while reducing the adverse effect of nonresidential uses.
5. The intent of the R-4 residential high density district is to provide for high-density residential development through a variety of housing types within the city with associated service functions. This will provide for a variety of compatible housing types to serve the varying needs of the community's residents. Although some office use is permitted, it shall remain as a secondary use to residential development. Secondary status shall be as measured by percentage of total building area.
6. The intent of the R-O residential-office district is to provide for and encourage the development of multihousehold and apartment development and compatible professional offices and businesses that would blend well with adjacent land uses. The primary use of a lot, as measured by building area, permitted in the R-O district is determined by the underlying growth policy land use designation. Where the district lies over a residential growth policy designation the primary use shall be non-office uses; where the district lies over a nonresidential designation the primary use shall be office and other nonresidential uses. Primary use shall be measured by percentage of building floor area.

In addition to the zoning districts described above, portions of the Midtown area of Bozeman are also covered by “Bozeman Entryway Corridor Overlay District” and the “Neighborhood Conservation Overlay District”, and a couple of lots at the southeast edge are located within the Cooper Park Historic District.

#### ARTICLE 17. - BOZEMAN ENTRYWAY CORRIDOR OVERLAY DISTRICT

Sec. 38.17.020. - Intent and purpose.

- A. There are several arterial corridors entering the city that introduce visitors and residents alike to the city. The visual attributes of these roadways provide a lasting impression of the character of the city. It is the intent and purpose of this article to ensure that the quality of development along these corridors will enhance the impression and enjoyment of the community by guiding development and change, and by stimulating and assisting, in conjunction with other provisions of this chapter, improvements in signage, landscaping, access and other contributing elements of entry corridor appearance and function.
- B. It is the intent of this article to establish design criteria, standards and review procedures that will allow the city and its advisory boards and agencies to review and direct, in a fair and equitable manner, the development and redevelopment of future and existing properties and facilities within the entry corridors. The recommendations of the design review board or administrative design review staff shall be given careful consideration in the final action of the review authority.

Sec. 38.17.030. - Application of entryway corridor provisions.

- A. Entryway corridors shall be designated on the city's official zoning map. The provisions of this article shall be applied in addition to any other applicable regulations of this chapter. Specifically, these provisions shall be applied to all developments within such corridors as follows:
1. Class I. All development wholly or partially within 660 feet of the centerline of the following roadways:
    - a. Interstate 90, within or adjacent to the city boundaries, measured from the centerline of the outside lanes of the opposing roadways and from the centerline of the access ramps;
    - b. Interstate 90 frontage roads, within the city boundaries, whether or not they are designated frontage roads;
    - c. U.S. 10, from the Interstate 90/North Seventh Avenue interchange west to the city boundaries;
    - d. U.S. 191, west from Ferguson Road to the city boundaries;
    - e. Nineteenth Avenue, north from Durston Road to the North 19th Avenue/Interstate 90 interchange, exclusive of the east side between Durston Road and the south boundary of Covered Wagon Mobile Home Park; and
    - f. Oak Street, west from North Seventh Avenue to North Nineteenth Avenue.
  2. Class II. All development wholly or partially within the lesser of one city block or 330 feet of the centerline of the following roadways, with the exception of residentially zoned lots (no exception for R-O district) that have no frontage upon said roadways:
    - a. Seventh Avenue, south from the Interstate 90 interchange to Main Street;
    - b. Nineteenth Avenue, south from Durston Road to the city boundary, and the east side of Nineteenth Avenue, between the south boundary of Covered Wagon Mobile Home Park and Durston Road;
    - c. Main Street, east from Broadway to Interstate 90;
    - d. Main Street, west from Seventh Avenue to Ferguson Road;
    - e. Rouse Avenue and State Primary 86 (Bridger Canyon Road) from Tamarack north and east to the city boundary;
    - f. Oak Street, west from Nineteenth Avenue to the east edge of Rose Park; and
    - g. Oak Street, east from Seventh Avenue to Rouse Avenue.

## ARTICLE 16. - NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

### Sec. 38.16.010. - Intent and purpose.

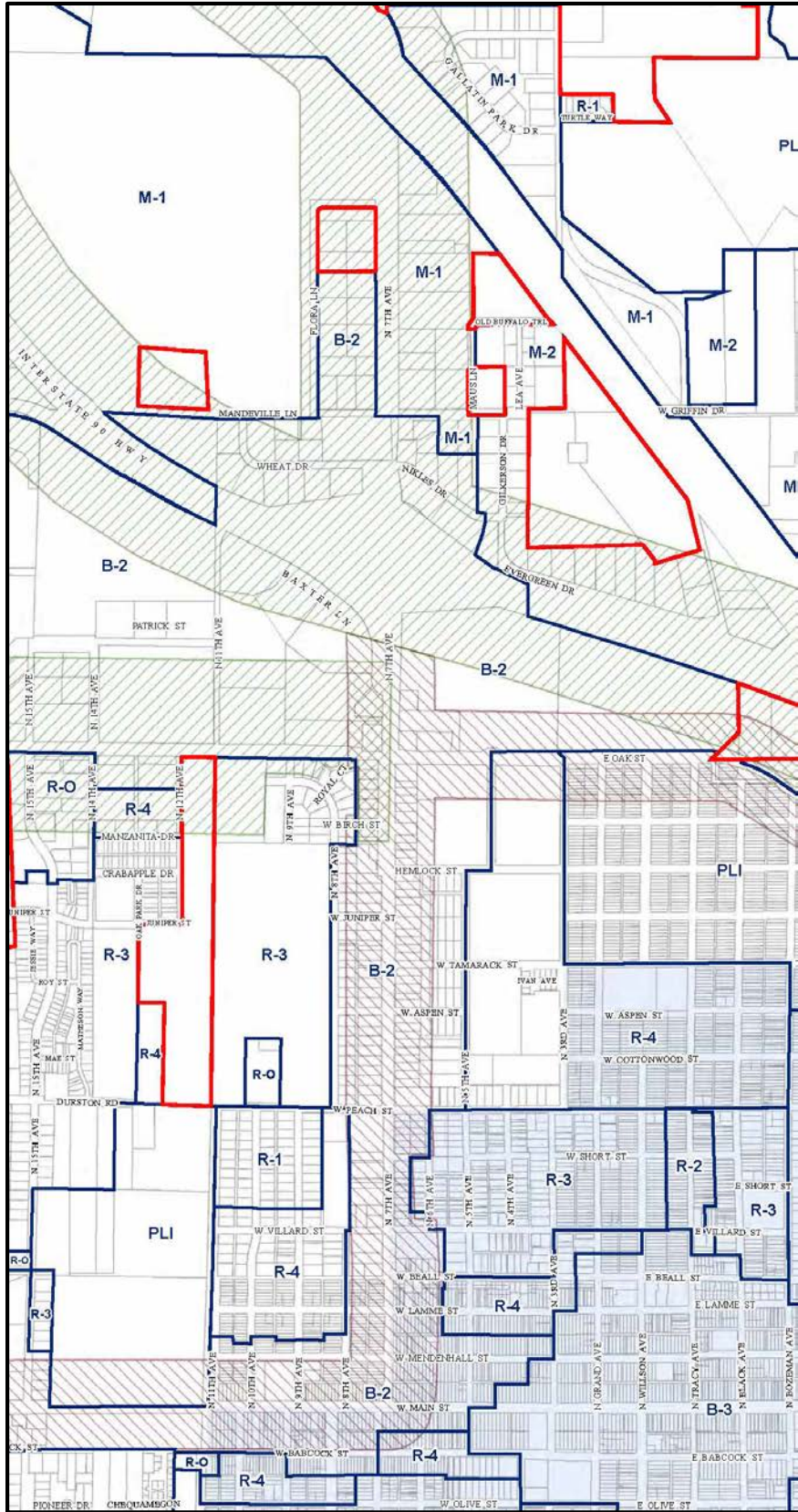
- A. All new construction, alterations to existing structures, movement of structures into or out of the neighborhood conservation overlay district, hereinafter referred to as the conservation district, or demolition of structures by any means or process will be subject to design review unless specifically exempted. The recommendations of the design review board or administrative design review staff shall be given careful consideration in the final action of the review authority.
- B. This article defines and sets forth standards which apply to the conservation district.
- C. The intent and purpose of the conservation district designation is to stimulate the restoration and rehabilitation of structures, and all other elements contributing to the character and fabric of established residential neighborhoods and commercial or industrial areas. New construction will be invited and encouraged provided primary emphasis is given to the preservation of existing buildings and further provided the design of such new space

enhances and contributes to the aesthetic character and function of the property and the surrounding neighborhood or area. Contemporary design will be encouraged, provided it is in keeping with the above-stated criteria, as an acknowledged fact of the continuing developmental pattern of a dynamic, changing community. The neighboring community shall be provided notice and opportunity to comment upon the proposed property improvements in accordance with article 40 of this chapter. In addition, aggrieved persons shall have the right to appeal any design review decision made under the provisions of this article, in accordance with article 35 of this chapter.

- D. In view of the fact that most of the area included within the boundaries of the conservation district was developed and built out prior to the adoption of zoning and contemporary subdivision regulations, the construction, development pattern and range of uses is highly diverse and may not be in compliance with conventional regulatory requirements. This article recognizes that this diversity is a major contributing element of the historic character of these neighborhoods or areas. The provisions of this article shall be applied in a manner that will encourage the protection and enhancement of the many diverse features for future generations.
- E. The conservation district boundary is largely coterminous with the area surveyed in the effort that led to the listing of nine historic districts and 40 additional landmark structures in the National Register of Historic Places, and includes the nine designated historic districts and 40 individual landmarks. This article sets forth the means of protecting and enhancing the conservation district.
- F. It is further the purpose of the conservation district designation to protect and enhance neighborhoods or areas of significant land planning or architectural character, historic landmarks or other built or natural features for the educational, cultural, economic benefit or enjoyment of citizens of the city. It will be the policy and responsibility of the administrative entities of this article to:
  - 1. Protect, preserve, enhance and regulate structures, archaeological or cultural sites, and areas that:
    - a. Are reminders of past eras, events or persons important in local, state or national history;
    - b. Provide significant examples of land planning or architectural styles, or are landmarks in the history of land planning and architecture;
    - c. Are unique or irreplaceable assets to the city and its neighborhoods;
    - d. Provide examples of physical surroundings in which past generations lived; or
    - e. Represent and express the unique characteristics of small agricultural-based, western city developmental patterns;
  - 2. Enhance property values through the stabilization of neighborhoods and areas of the city, increase economic and financial benefits to the city and its inhabitants, and promote tourist trade and interests;
  - 3. Develop and maintain the appropriate environment for buildings, structures, sites and areas, that reflect varied planning and architectural styles and distinguished phases of the city's history and prehistory;
  - 4. Stimulate an enhancement of human life by developing educational and cultural dimensions, which foster the knowledge of the city's heritage, and cultivate civic pride in the accomplishments of the past;

5. Seek to maintain and enhance the many private and public elements that are unique to the fabric, theme and character of each neighborhood and area, including, but not limited to, lighting, pathways, street trees, natural areas and other features that may, from time to time, be identified by the citizens and property owners of neighborhoods, areas and subsections thereof; and
6. Provide the neighboring community with notice and opportunity to comment upon the proposed property improvements in accordance with article 40 of this chapter, with the exception of certain sketch plan applications with potentially little neighborhood impact, and to further provide aggrieved persons with the right to appeal review decisions made under the provisions of this article, in accordance with article 35 of this chapter.

Sections of the City of Bozeman Zoning Map which encompasses the area of the Bozeman Midtown Urban Renewal District are shown below.

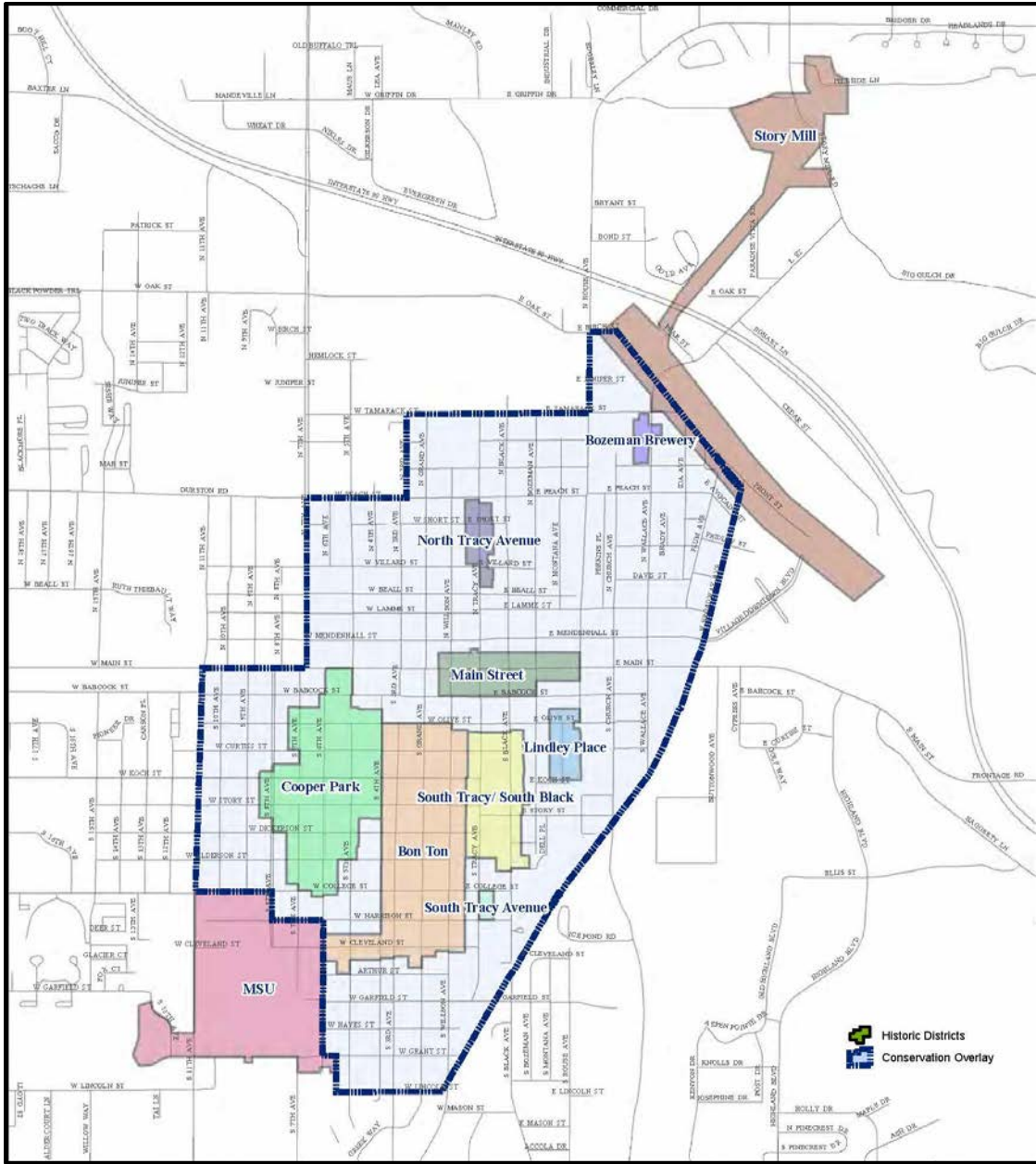


**Legend**

- City Limits
- Zones
- Class 1 Entryway Corridor
- Class 2 Entryway Corridor
- Parcels
- Conservation Overlay

City of Bozeman  
Zoning Map  
Section





Conservation Overlay and Historic Districts

- Zoning to help implement the Bozeman Community Plan.**
- A purpose of the Bozeman Unified Development Code is to implement the goals and objectives of the Bozeman Community Plan; the city’s adopted growth policy.
  - The majority of the land within the core area of the Bozeman Midtown Urban Renewal District is zoned “B-2 Community Business District” to provide for a broad range of mutually supportive retail and service functions.

- The land adjacent to the commercial core and south of I-90 within the area of the Bozeman Midtown Urban Renewal District is zoned for a variety of residential uses and densities, with zoning districts including “R-3 Residential Medium Density”, “R-4 Residential High Density”, and “R-O Residential-Office”.
- The land adjacent to the commercial core and north of I-90 is zoned “M-1 Light Manufacturing”.

**Evaluation of the Bozeman Midtown Urban Renewal District Plan for Accordance of Zoning with Bozeman Community Plan.**

- The Bozeman Midtown Urban Renewal District Plan supports the purposes of the Bozeman Unified Development Code.
- The Bozeman Midtown Urban Renewal District Plan supports “retail and service use” as described by the Bozeman Unified Development Code.
- The Bozeman Midtown Urban Renewal District Plan provides a plan for redevelopment of the existing commercially designated area to eliminate blight, and retain existing and attract new economic development.
- The Bozeman Midtown Urban Renewal District Plan does not suggest any revision to the existing zoning classifications.

**Conclusions**

1. The Bozeman Midtown Urban Renewal District Plan has been evaluated against the relevant goals and objectives of the Bozeman Community Plan, and the Bozeman Midtown Urban Renewal District Plan is in conformance with the Bozeman Community Plan.
2. The zoning in the area of the Bozeman Midtown Urban Renewal District has been evaluated against the Bozeman Community Plan, and the zoning in the area of the Bozeman Midtown Urban Renewal District is in accordance with the Bozeman Community Plan.