

INTRODUCTION

In February of 2005, the Bozeman City Commission adopted goals that among other things directed city staff, pursuant to the provisions of the State of Montana Urban Renewal Law, to investigate conditions along North Seventh Avenue in the City of Bozeman and report to the City Commission on the need for, desirability of, and feasibility of creating an urban renewal program in Bozeman. The initial task in response to this direction was to determine a prospective study area and examine conditions in the area relative to the statutory definition of "blighted area."

The information gathered indicates to the staff that this area qualifies for this designation, due primarily 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; and therefore, that the area was eligible for the establishment of an urban renewal district.

If the Commission adopts a resolution of necessity finding that blight exists within all or a portion of the study area and determining that the rehabilitation and/or redevelopment of the area is in the interest of the public health, safety, morals or welfare of the residents of Bozeman, the interested parties in the area, along with city staff will proceed with the preparation of an urban renewal plan. The plan will examine the feasibility and desirability of implementing an urban renewal program.

This report is organized as follows: Chapter 1 provides the text of state statute relating to conditions that constitute blight. Chapter 2 presents a brief overview of the study area. The third chapter provides a review and analysis of the problems of the area. The final chapter contains conclusions and recommendations regarding a finding that conditions of blight exist within the study area.

Chapter 1

STATE LAW REGARDING CONDITIONS THAT CONSTITUTE BLIGHT

Parts 7-15-42 and 43 of the Montana Codes Annotated (MCA) are known as the state of Montana's "Urban Renewal Law." This law contains criteria for the declaration of blight within its Statement of Policy in 7-15-4202 MCA:

It is hereby found and declared:

- (1) that blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state, exist in municipalities of the state;
- (2) that the existence of such areas:
 - (a) contributes substantially and increasingly to the spread of disease and crime and depreciation of property values;
 - (b) constitutes an economic and social liability;
 - (c) substantially impairs or arrests the sound growth of municipalities;
 - (d) retards the provision of housing accommodations;
 - (e) aggravates traffic problems;
 - (f) substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and
- (3) that the prevention and elimination of such areas is a matter of state policy and state concern in order that the state and its municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, are conducive to fires, are difficult to police and provide police protection for, and, while contributing little to the tax income of the state and its municipalities, consume 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.

Montana Urban Renewal Law 7-15-4206 MCA defines blight as follows:

"Blighted area" shall mean an area which is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; or constitutes an economic or social liability and/or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; and/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 which endanger life or property by fire or other causes; or
- (o) any combination of such factors.

Chapter 2

STUDY AREA

The boundary of the study area is depicted in Figure 1 and is generally described as the commercially zoned property between N. 5th Avenue and N. 8th Avenue from Main Street north to the city limits, vacant R-4 zoned parcels between Tamarack Street and Oak Street from N. 5th Avenue to N. 3rd Avenue right of way extended, and a commercially zoned parcel north of Oak Street between N. 3rd Avenue right of way extended and the N. Black Avenue alignment. Between W. Main Street and West Lamme Street, the study area extends east only as far as a point roughly mid – block between N. 7th Avenue and N. 5th Avenue.

GROWTH POLICY LAND USE DESIGNATIONS

The Bozeman 2020 Community Plan designates the area along the N. 7th 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 area 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 study area encompasses roughly 265 acres or approximately 2.5% of the approximately 10763 acres which comprise the total area of the city of Bozeman.

LAND USE

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

COMMERCIAL ACTIVITY

The study area 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 Study Area including platting of land and land use, access, traffic and circulation, and development patterns.

This concentration of business and other commercial activity and the age of the public and private infrastructure upon which these activities rely is cause for concern. As indicated in the following chapter, blighted conditions, most notably age obsolescence of buildings and improvements, exist in the area. The existence of these conditions can constitute a significant liability relative to the revitalization and redevelopment efforts necessary to keep this commercial corridor vibrant.

Chapter 3

STUDY AREA PROBLEMS

FIRE DATA

Section 7-15-4206 MCA, states that the existence of conditions which endanger life or property by fire can be a contributing factor to the existence of blight. The incidence of fires, emergency medical responses and other calls that the Bozeman Fire Department responded to within the study area indicates a possibly disproportionately high rate of occurrence relative to the community as a whole. From 2002 to 2005, roughly 8% of all fire calls for service within the City originated from within the study area which constitutes roughly 2.5% of the area of the city..

The rate of occurrence of fire-related incidents coupled with the age of the structures and the design of the existing infrastructure, point to the existence of conditions which may endanger life and property and attest to the existence of blight within the study area.

POLICE DATA

The percentage of police calls for service in the study area relative to the community as a whole are virtually identical to fire calls at approximately 7%. The high number of calls found in the Study Area in relation to the rest of the City reflects possible unsafe conditions. Lack of provisions for pedestrian and bicyclists in numerous locations can lead to unsafe conditions.

INFRASTRUCTURE

As previously noted, the term "blighted area" may include the following conditions, among others:

- (a) the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; and/or age obsolescence of buildings or improvements, whether residential or nonresidential;
- (b) inadequate provision for proper sanitary facilities,... as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
- (c) defective or inadequate street layout;

The following inadequacies in the community's infrastructure within the study area have been identified.

STORM DRAINS

Within the study area, there are numerous locations without storm drains.

BUILDING CONDITION

As noted, the definition of "blighted area" includes a consideration of the "deterioration" and "age obsolescence of buildings or improvements" which may substantially impair the sound growth of the city or retard the provision of housing accommodations.

Remodeling or redevelopment of older buildings requires compliance with modern building, access and fire code provisions. Such compliance may result in expensive additional improvements which can serve as a disincentive for reinvestment in the community's older commercial corridor.

ADA

The Americans with Disabilities Act (ADA) was signed into law on July 26, 1990. The act provides comprehensive civil rights protection for people with disabilities. The ADA seeks to assure equality of opportunity for disabled people.

The law prohibits covered entities, including most public businesses and services, and the City of Bozeman, from excluding people from jobs, services, activities or benefits based on disability. This includes exclusion brought about because of inaccessible facilities. Structural changes in a facility may be required to provide access unless access is provided through alternate means, such as providing auxiliary aids, relocating programs and services to accessible facilities, assigning aides, or making home visits. For many businesses, retrofitting existing facilities is the only viable means to provide accessible programs and services.

Public sidewalks must also be made accessible. This includes surface maintenance as well as the installation of curb ramps.

Noncompliance with ADA provisions is an aspect of age obsolescence of buildings and improvements, a characteristic of blight. The study area, which contains older buildings and improvements which fail to comply with accessibility requirements of ADA.

TRANSPORTATION

Portions of the Study Area lack sidewalks and many areas do not have curbs, gutters or sidewalks. A lack of a functioning curb, gutter, and sidewalk system is a blighting influence for a variety of reasons. A lack of sidewalks forces pedestrian traffic into the streets creating an obviously unsafe condition. The absence of curbs and gutters results in poor drainage which affects the life of the street, and does nothing to prevent parking of automobiles in the boulevard area of the public right-of-way.

PARKING

Most of the parking for businesses in the area is accomplished through the use of off- street private parking in parking lots. Several of the off-street parking facilities in the portions of the Study Area off the primary street network are unimproved or otherwise not constructed to City parking lot standards. City standards are established to provide pedestrian and vehicle safety, improved access and improved appearance of parking facilities and substandard lots are deficient in these areas.

SNOW STORAGE

The Bozeman Municipal Code, in section 18.50.120 Parking Requirements, contains the following provision for snow storage:

Snow Removal Storage Areas. Snow removal storage areas shall be provided sufficient to store snow accumulation on site. Such areas shall not cause unsafe ingress/egress to the parking areas, shall not cause snow to be deposited on public rights-of-way, shall not include areas provided for required parking access and spaces, and shall not be placed in such a manner as to damage landscaping. All snow removal storage areas shall be located and designed such that the resultant stormwater runoff is directed into landscaped retention/detention and water quality improvement facilities as required by the city engineering department, or in compliance with any adopted storm drainage ordinance.

This parking requirement applies to all newly established parking facilities and is incorporated into the design of the facility. The lack of snow storage areas or provisions for runoff are other examples of age obsolescence of improvements within this older commercial corridor.

Chapter 4 CONCLUSIONS AND RECOMMENDATIONS

Based on the findings contained in this report, the staff recommends that a resolution of necessity be adopted finding that areas of blight exist within Bozeman, and that the existence of these areas substantially impairs or arrests the sound growth of the city or its environs; retards the provision of housing accommodations; constitutes an economic or social liability and/or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:

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

A listing of such conditions in the study area includes:

- missing curb and gutter
- unpaved parking lots
- lack of storm drain
- lack of coordination of parking lot approaches
- no sidewalk
- signs out of compliance
- landscaping missing or out of compliance
- parking design which requires backing into the right-of-way
- encroachments on the public right-of-way
- vacant buildings
- curb walks – no boulevard

- vacant parcels
- non-conforming residences in the "B-2, community commercial" zoning district
- intermittent streets
- insufficient right-of-way width requiring easements for sidewalk installation
- developed lots with non-conforming setbacks
- property approaches too close to intersections
- unlandscaped parking lots
- weeds in vacant lots
- nonconforming mobile home court
- inadequate pedestrian and bicycle access on overpass

The resolution should further find that the rehabilitation, redevelopment, or a combination thereof of the study area is necessary in the interest of the public health, safety, morals, or welfare of the residents of Bozeman.

This report has identified the existence of "blight" within the study area, but has not attempted to inventory such considerations as individual building condition, utility locations and other site specific items. It is anticipated that such individual situations will surface during the implementation phase of an urban renewal plan should the city Commission direct such a plan to be prepared. As these and other "blighted" conditions are identified, they should be addressed through the city's revitalization effort as if they had been specifically identified in this report.

The staff further recommends that the City Commission order the preparation of an urban renewal plan to effect the redevelopment, rehabilitation and revitalization of the area discussed in this report.