

MEMORANDUM

TO: Planning Board & Zoning Commission

FROM: Phillipe Gonzalez, HISTORIC PRESERVATION SPECIALIST
PLANNING

RE: NCOD Review Board Presentation

DATE: 2/15/2019

Background: On June 4, 2018, the Bozeman City Commission approved a professional services agreement with the consulting firm BendonAdams to complete a project to evaluate potential alternatives to the existing Neighborhood Conservation Overlay District (NCOD) and a restructuring of the Historic Preservation Program. The NCOD was originally adopted in 1991 and is a zoning overlay district shown on the City's zoning map, the boundaries of the district are based on the City's 1957 census boundary. The overlays purpose is established in Section 38.340.010 and includes, but is not limited to, the protection and rehabilitation of historic structures, stabilization of neighborhoods, and increasing economic and financial benefits to the City and inhabitants. The NCOD is a tool in the City's historic preservation program.

The current project builds upon previous work in 2015, by consulting firms KLJ & ARCHitecture Trio to evaluate the effects of the NCOD on historic preservation, affordable housing and infill developments within the NCOD. These findings were produced in the 2015 NCOD Report.

BendonAdams was tasked with proposing actionable and specific potential alternatives to the Historic Preservation Program as well as the current laws, regulations, boundaries and procedures of the NCOD. The resulting recommendations from this project are policy based and intended to generate follow-up work directives, funding discussions and metrics of success.

BendonAdams has hosted several public outreach opportunities during the project. These include online surveys, stakeholder group meetings, comments and public events at the Bozeman Library, Element Hotel, Map Brewery and Bogart Farmers Market. In addition, numerous written public comments have been submitted regarding the NCOD Review project. Public comment is accepted until the final action by the City Commission. More public comment and engagement will apply to each follow-up action from the report.

Document Review: A [draft of the report](https://www.bozeman.net/home/showdocument?id=8411) was released for public review in October 2018. There have been several opportunities for the public to comment on the draft. The report has been continuously available online at <https://www.bozeman.net/home/showdocument?id=8411>; as well as in hard copy at the Department of Community Development, 20 E. Olive Street. The recommendations included in the report for the NCOD and Historic Preservation by BendonAdams are policy recommendations that have a broad range of impacts. It is important to receive input by the various advisory boards whose purview specifically intersects with the presented recommendations.

There are 13 recommendations made in the report organized in six chapters. Each recommendation also identifies one or more alternatives to that recommendation.

Three advisory boards are involved in some element of the policy evaluation. These are: Historic Preservation Advisory Board (HPAB), Planning Board (PB), and Zoning Commission (ZC). As the subject matter is most directly associated with their responsibilities the Historic Preservation Advisory Board will lead host a separate public meeting on February 26, 2019, with the Zoning Board and Planning Commission to follow after. It is anticipated that the PB/ZC meeting will begin at 7 p.m. The members of the three boards may attend in the audience of the other meeting to hear the discussion and any public comments. The reason for the meeting is to review the policy recommendations, facilitate a discussion and offer recommendations by individual boards.

The boards have the following responsibilities relating to the report's subjects.

Historic Preservation Advisory Board. Section 2.05.850, BMC charges the HPAB with: "The purpose and intent of this division is to provide for an appointed citizen board for the city charged with establishing a local historic preservation program, integrating historic preservation into local, state and federal planning and decision-making processes, identifying, evaluating and protecting historic resources within Bozeman, and educating the general public about historic preservation." With this both specific and broad charge, the HPAB is the lead advisory body for this work.

Planning Board. Section 2.05.500, BMC establishes the Planning Board with the duties outlined in state law. Section 76-1-2, MCA states: "It is the object of this chapter to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned; that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for

family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds.”

The PB primarily accomplishes this charge through the preparation of a growth policy as outlined in state law. The Bozeman Community Plan, adopted in 2009, is the current version of Bozeman’s growth policy. The growth policy addresses historic preservation and related issues in Chapters 3, 4 and 5. The growth policy is being updated. The PB is charged to make recommendations relating to those elements of the report implementing the goals and objectives of the growth policy.

Zoning Commission. Section 2.05.2700, BMC establishes the Zoning Commission with the duties outlined in state law. Section 76-2-307, MCA states: “In order to avail itself of the powers conferred by this part, except 76-2-306, the city or town council or other legislative body shall appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.” The report recommends consideration of changes to the boundaries of the NCOD and possible changes to the regulations applied within the NCOD. The ZC is charged to make recommendations relating to those elements of the report associated with zoning boundaries and regulations.

Each board member is to have carefully read and considered the report and public comment prior to the meeting. This allows the meeting time be most productive.

Meeting Format: The general format of the Planning Board and Zoning Commission public meeting will be:

Planning Board chair will call the meeting to order and attendance from each board will be noted.

Staff will provide a brief project introduction and outline the order of business.

BendonAdams will provide an overview of the recommendations and summary of public comment.

Public Comment will be received – All those commenting are asked to be concise and specific as to the subject and board to whom they are directing comments. The Chair may limit the amount of time each person may address the board.

Close of public comment and board discussion – Due to the multi-board nature of the meeting it is important that discussion is orderly and focused. The chair will recognize each person wishing to speak and no person will speak until recognized. The City Clerk

will be present and can give direction if there are questions on procedure. To keep the meeting focused, the Chair may limit the amount of time each person may address the boards. Board members are requested to concentrate their comments on the area of responsibility of their board.

Recommendations – each board may make a recommendation to the City Commission. They may make a single recommendation on the document as a whole if desired. If they wish to suggest an alternate to the report’s recommendation on a given subject they may. Boards may have different recommendations. Boards will vote on motions made by their members only. The recommendations made by each board will be sent to the City Commission along with the report. The report will not be changed prior to the City Commission meeting.

Meeting closes.

What comes next: The City Commission is scheduled to consider the report on April 8, 2019. There will be opportunity for public comment at their public meeting and in writing any time prior to the meeting. The City Commission will receive all public comment received since the release of the October 2018 draft. The recommendations from the advisory boards will be provided to the City Commission. The City Commission will consider the report and choose the direction(s) they wish to pursue. A final draft of the report will then be prepared outlining a work plan to advance the alternatives selected by the City Commission. Each work plan item will be scheduled and must follow whatever public process is applicable to that task prior to a final decision on that task.

Strategic Plan/Growth Policy correlation: The draft report identifies those elements of the strategic plan and the growth policy where the issues discussed intersection with those documents. See the text of the report for specific citations. The strategic plan is available online at <http://weblink.bozeman.net/WebLink8/0/doc/154660/Electronic.aspx>. The growth policy is available online at <https://www.bozeman.net/Home/ShowDocument?id=1074>.

Public Comment: Public comments sent to the City’s agenda@bozeman.net email have been archived and are available for public review. There are two folders as the information is organized by year. Any persons wishing to submit public comment on this item are encouraged to do so in writing to agenda@bozeman.net for archiving for public access.

[2018 public comments](#)

[2019 public comments](#)

BendonAdams conducted several outreach efforts during the review process. Summaries and detail of the information provided by surveys and other tools is available at



<https://www.bozeman.net/city-projects/ncod-review>. Outreach 1 occurred before the present draft was prepared. Outreach 2 is based on the current draft.