AGENDA
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, October 10, 2017 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER
   a. Roll Call
   b. Pledge of Allegiance

B. APPROVAL OF MINUTES:  Minutes of the September 12, 2017 Regular Board Meeting

C. VISITOR OR PUBLIC COMMENT:  (An opportunity for the Public to comment on any
   items not on tonight’s agenda)

D. PUBLIC HEARING:

The Columbia Falls City-County Planning Board will hold a public hearing for the following
item at their regular meeting on Tuesday, October 10, 2017 at 6:30 p.m. in the Council
Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls
City Council will hold a subsequent hearing on November 6, 2017 starting at 7:00 p.m. in the
same location.

Request for a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:
A request by Robert W. Pero for a Conditional Use Permit (CUP) to build a six-plex
condominium/apartment building on each of two lots owned by the applicant. As a result
there will be a total of twelve units proposed. The six-plex’s will occupy Lots 166 and 167
of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties
are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-
plex or greater within the zoning district. The properties are addressed as 9 and 11 Diane
Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18,
Township 30 North, Range 22 West, P.M.M., Flathead County.

Persons may testify at the hearing or submit written comments prior to the meeting. Written
comments may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager,
130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

   a. Adopt Staff Report CCU-17-01 as findings of fact.

   b. Approve the Conditional Use Permit

E. NEW BUSINESS: None

F. ADJOURNMENT

Next Meeting – TBD
CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:30 p.m. PRESENT: Vukonich, Shepard, Haverfield, Hughes, Stene and Bonitz. ABSENT: Duffy.

Also present were City Planner Eric Mulcahy, City Manager Nicosia, City Clerk Staaland and City Attorney Breck.

Pledge of Allegiance

APPROVAL OF MINUTES: Haverfield made motion to approve the Minutes of the August 15, 2017 Planning Board Meeting as amended for corrected typos, second by Shepard and the motion carried.

VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda)

OLD BUSINESS:
   a. Tabled from August 15 Meeting - Swan Mountain Request – After Chairman Vukonich’s explanation of process, Stene made motion to reconsider tabled request in light of amended staff report and conduct new hearing, motion seconded by Shepard. Motion carried with all members voting in favor.

PUBLIC HEARINGS:
Chairman Vukonich read the notice of hearing: The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, September 12th, at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on September 18th, 2017 starting at 7:00 p.m. in the same location.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
Swan Mountain Real Estate Holdings, LLC, applicant, and Lester Elletson, land owner, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The applicants have a contract to purchase 0.42 acres of land that is currently
The applicants propose to change the zoning to CB-2 (General Business) or CB-3 (Limited Business) which would allow them to operate their snowmobile guide and rental business and a full time reservation office. The property is located at the corner of Railroad Street and 6th Avenue East North and is described as Lots 1, 2, 3, & 4 of Lot 24 Van’s Acre Tracts in Section 9, T30N, R20W, P.M.M. in Columbia Falls. Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

Chairman Vukonich asked City Clerk Staaland for a report on written comments received. Staaland reported 9 letters were received since the August 15, meeting, including Board member Duffy, along with a petition with signatures. There were 8 letters in support, 1 opposed and the petition had 18 names in support of the zone change.

Chairman Vukonich asked for the staff report. Mulcahy said at the August 15, 2017 meeting we reviewed an application for the CB-2 zone change. At the conclusion of that meeting we tabled the request. Since the last meeting City Staff and City Attorney tried to address the process and procedures as well as taking into consideration public comments. Mulcahy said he has prepared a revised staff report and also worked with the applicant who allowed him to entertain the CB-3 zone. Essentially the CB-3 (Limited Business) zoning text was approved about 3 years ago for commercial zoning along Highway 2. Mulcahy said the findings of fact are relatively the same with additional fine tuning of what the applicant is proposing. The applicant proposes to use the site as a “Reservations Headquarters” and Booking facility for their outfitting guided service. This is basically where people come to complete paperwork and get gear for the trail. The properties east and west are zoned CB-2, to the north is LI-1 and to the south is CB-3. Items 1-8 on the staff report are the same of last report on item 9 CB-2 is intended as a buffer. Mulcahy said CB-3 is limited to 3000 square feet for retail buildings and 4,000 for office buildings. Condition 10 CB-3 zoning would also act as a buffer between the intensive industrial uses and the single family uses to the south. The CB-3 setbacks are slightly more stringent than CB-2 with less room for buildings.

Vukonich asked Mulcahy if a motion must designate the CB-3 or CB-2. Mulcahy responded that is correct. Haverfield asked if the CB-3 has been used at other locations. Mulcahy said no, we did not apply it. Haverfield asked about the existing garage setback. Shepard said he went to the property and measured with his arms, it looks to be 5’ and not the reported 1’.

Chairman Vukonich asked the applicant if they wished to address the Board. Patrick Tabor, 26356 Soup Creek Road, Swan Lake, MT said in looking over the August 15, 2017 minutes the board did accept staff report findings recommending approval of CB-2. Vukonich said correct, the record does reflect that. City Attorney Breck said there is a motion to reconsider the tabled item in light of the new staff report with the Board approving that motion. Breck said consequently the Board is conducting a hearing this evening on the amended staff report. Mr. Tabor asked if the next step is to accept, approve or deny. Vukonich said we will vote to approve or deny the amended Staff Report.
Mr. Tabor said at the last meeting Stene asked if there was more meat to our presentation. Tabor said he has included additional information for the Board to consider this evening. There is an example of what the building may look like, the egress ingress of the driveway. CB-2 has the same setbacks as the current zoning where CB-3 has a 20 foot front and back setback. This will create limitations of our building footprint and will detract from the resale value of this property. Mr. Tabor said he has taken a lot of time reading the zoning codes and Growth Policy. There is a letter from General Manager of GPI that states that the Growth Policy indicates this area as business. Tabor said following the law is necessary.

Chairman Vukonich opened the Public Hearing at 6:57 p.m.

Aubrie Lorona, 355 Gladys Glen Road, Coram, MT, said she operates the family owned business which started in 2010. They won the permit from Forest Service for growth. They depend on the summer business and believe the winter outdoor activities will bring business to the Columbia Falls area. They currently operate out of Hungry Horse; we do tours in Canyon Creek, Desert Mtn. and Ferndale area. Ms. Lorona said she is an active member of the Columbia Falls Chamber of Commerce.

Heather Madderom, 374 6th Avenue EN, said she would like for Swan Mountain Outfitters to move into the said property which is in her neighborhood. She believes they will landscape and take care of the property. I would rather see them on the property than a large apartment building. They won’t be loud with snowmobiles running on the property. Ms. Madderom believes with their business it will up the value of the property. She does not see any reason they would be disturbing the neighbors.

Don Barnhart, 560 7th Avenue EN, said his testimony at the August 15th meeting was the CB-2 uses may go beyond what was proposed by this applicant. Once the zoning is changed, all permitted uses are available for a property owner. CB-3 is limited commercial. Mr. Barnhart said he is always in favor of new business coming to Columbia Falls, particularly as a small business owner himself. Barnhart appreciated the changes staff has made in the revised report with previous comments considered reflecting the neighbors’ concerns. Barnhart said he recognizes the challenges with the setbacks with the odd shape of the property. Barnhart said he is in favor of the zone change to CB-3 with reduced setbacks.

Carla Fisher, 303 3rd Avenue East, said she does not have concerns of changing the zone to CB-2. She has worked with Aubrey and Eric and they have strong support bringing this business into Columbia Falls. They are involved in the community and want to see positive things happen in Columbia Falls.

Connie Cohen, owner of 590 6th Avenue EN, asked if the Board was now considering changing the zone to CB-3. Vukonich said staff has amended the report to CB-2 or CB-3. Ms. Cohen said approving the zone change will change the character of the neighborhood.

Richard Turbiak, Citizens for a Better Flathead, 35 4th Street West, Kalispell, said we spoke at the last meeting about considering a CPUD for the property, however at this point we feel that
the compromise to the idea of CB-3 which will address the concerns the neighborhood had. We would be in favor of the zone change.

Victoria Lee, 11570 Belton Point Road, West Glacier, said she wrote a letter to be included in the packet. Ms. Lee is a volunteer with the Columbia Falls Chamber of Commerce and does all of her everyday life in Columbia Falls. If the Board went to CB-3 and not the CB-2 it would not be consistent with other properties. Ms. Lee is friends with the owners of Swan Mountain Outfitter and feels they will operate their business during the day and go home, noting that a quiet neighbor is a good neighbor.

Chairman Vukonich closed the Public Hearing at 7:12 p.m.

Mr. Tabor wanted to comment on the purposed future use of CB-2 and CB-3. Mr. Tabor said his examination of the allowed uses in CB-2 and CRA-1 found a lot of similarity between the two, while CB-3 is more restrictive and would limit retail display to one item. It is those kinds of restrictions that create a choke hold on businesses. They are under a 10 year contract with GNP and are not going anywhere. He stated that their business will be here a long time and he believes CB-2 is the most appropriate zone for their proposed operation.

Hughes made motion to approve CZC-17-02, as revised September 1, 2017 as findings of facts, second by Haverfield with the Board voting as follows. AYES: Shepard, Haverfield, Stene, Bonitz, Hughes and Vukonich. NOES: None. ABSENT: Duffy.

Shepard made a motion to discuss of CB-2 and then withdrew his motion.

Shepard motioned to open discussion for CB-2 and CB-3, second by Haverfield.

Shepard asked how long that area has been CB-2. Mulcahy said it has been that way for some time.

Vukonich asked if there was approval for a zone change as CB-3 what the process would be to change to a CB-2. Mulcahy stated that a zone change application and process would be the same as the current request.

Stene asked Mr. Barnhart if he had conversed with any of the concerned neighbors. Barnhart said he has not had any conversations with his neighbors since the August 15th meeting.

Shepard said he has had two neighbors say as long as the Board/City eliminate what has been going on there this summer with the perpetual garage sales, they would be happy with the zone change decision.

Shepard asked City Attorney Breck for clarification of Spot Zoning. Breck read the definition of Spot Zoning according to Supreme Court.
Vukonich said the CB-3 designation has made this zone change request more palatable in his opinion. Although not all of the neighbors are here tonight, staff has taken into consideration their testimony and amended the Staff Report.

Hughes asked if the Board can change the setbacks in the CB-3. Mulcahy said no, zoning approval cannot be conditioned or variance granted, the zoning regulations would stand as adopted. However, in reading the Ordinance there is a typo on the rear setback, it should be 20 feet.

Stene noted that most of the people that were here at the last meeting are not here this evening. The letters provided tonight are generally in favor. Stene noted that it is important the concerns of the neighbors living in the community are recognized. Stene said this is the type of business owner that will improve the area.

Stene made motion to approve the zone request to CB-2, in light of the CB-3 limitations, second by Shepard with the Board voting as follows. AYES: Haverfield, Stene, Bonitz, Hughes, Shepard and Vukonich. NOES: None. ABSENT: Duffy.

**NEW BUSINESS:** None

**ADJOURNMENT:**
Motion by Shepard second by Haverfield motion adjourned 7:37
CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, October 10, 2017 at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on November 6, 2017 starting at 7:00 p.m. in the same location.

Request for a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:

A request by Robert W. Pero for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result there will be a total of twelve units proposed. The six-plex’s will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed as 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comments may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 20th day of September, 2017

Susan Nicosia
Susan Nicosia, City Manager/Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Publish: Daily Interlake: September 24, 2017
A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to permit a conditional use located at 9 and 11 Diane Road. The Conditional Use request is scheduled for a public hearing before the Planning Board on Tuesday, October 10, 2017 at 6:30 PM and Columbia Falls City Council on Monday, November 6, 2017 at 7:00 p.m.

BACKGROUND INFORMATION

A. PETITIONERS
Robert W. Pero Revocable Trust
1290 Birch Point Road
Whitefish, MT  59937

B. PETITIONER'S TECHNICAL ASSISTANCE
Marquardt Surveying, Attn: Kevin Nelson
201 3rd Avenue West
Kalispell, MT 59901

C. LOCATION/DESCRIPTION
Hilltop Block: Lots: 166 and 167
Homes N/A

Section:  18 Township:  30N Range:  20W
Address:  9 and 11 Diane Road, Columbia Falls, MT 59912

D. REQUEST
The applicants are petitioning for a Conditional Use Permit to allow for one six-plex condominium to be placed on each of Lots 166 and 167. (See attached plans)

E. NATURE OF THE REQUEST
As required by the CRA-1 zoning, a Conditional Use Permit is required for the construction of multi-family buildings in excess of a duplex building. In this case the applicant is requesting the CUP for two lots, both of which will have a six-plex. The intent of the Conditional Use Permit is to address neighborhood impact and compatibility. Lots on Diane Road have been issued a number of CUP’s and almost every lot has a six or eight plex.

F. EXISTING LAND USE
There are currently fourteen of these buildings located on Diane Road. All are occupied and are in good condition. The area is zoned CRA-1, (residential apartment), which by definition is "A district to provide areas for multi-family use
and for non-residential uses which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other denser, non-compatible districts. This district is intended to apply throughout the planning area." The proposal area is wholly contained within the CRA-1 district.

Structures in the immediate neighborhood.
G. **ADJACENT ZONING AND LAND USE:**
The property is located within a CRA-1 (Residential Apartment) zone in the southern edge of the City. CR-3 and CR-4 zoning are to the north and south of the subject property, and Light Industrial to the northeast. The site is bounded by the railroad tracks to the southeast. The surrounding land uses consist of structures similar in use, size, and density.
H. **GROWTH POLICY DESIGNATION:**

Growth Policy designates this area Multi-family residential, allowing 8+ units per acre. Housing is typically duplex or larger attached housing with units serviced by public sewer and water facilities. The project proposes a total of 12 residential units on two 15,000 square foot lots. The total acreage of the two lots equal 0.68 acres for a density of 17.6 units per acre. The site does have access to public sewer and water. Therefore, this proposal is in compliance with the Growth Policy.

The Talbot Neighborhood plan adopted by the City in 1996 addresses this area and offers recommendations for multi-family structures in this neighborhood in particular. The Plan anticipates that there will be multi-family housing construction in this portion of Hilltop Homes. However, in doing so, Goal #1 of the Plan under Street Design states:

* In multi-family developments, street-side landscape standards should be developed to soften the impact of the development. The plan specifically calls for a minimum of one tree every 30 feet located no more than 5 feet off of the paved street.

* Live ground cover should be used for all landscape treatments.

* The proposal does incorporate low lying landscaping to buffer the parking lots and does show two trees on each lot similar to the other multi-family structures in the neighborhood. This type of landscape treatment will be
important to incorporate into the final design to help mitigate the proposed density. Street trees over time would grow and provide welcome relief in terms of shade, neighborhood character and as a way to soften more dense projects.

Policies under Multi-family Housing Design state:

* Long facades of multi-family structures should be divided into shorter segments, using building mass, such as entrance porches, notches, bay windows, etc. The maximum span between building mass changes should be less than 40 feet.

* Architectural elements are recommended in multi-family developments to create outdoor space and human scale. Features such as courtyards, porches, balconies, and trellises create the illusion of smaller, more comfortable, space.

* Roofs and rooflines of multi-family structures should contribute to a residential image. Sloped roofs, dormer windows and other features associated with traditional forms of residential development. Long expanses of uninterrupted roofline should not occur.

* Comment-The proposal accommodates these design features. The plans feature changes in roof lines with gables in the front and rear, covered porches, staggered facade, and belly bands and, balconies.

I. UTILITIES/SERVICES:

Sewer: City Sewer is available
Water: City Water is available
Solid Waste: Private Contract Hauler
Police: Columbia Falls Police
Fire: Columbia Falls Fire Department

EVALUATION BASED ON REQUIRED CRITERIA

18.332.030 Criteria Required for Consideration of a Conditional Use Permit:
A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

a. Site Suitability. (That the site is suitable for the use) This includes:
   i) Adequate Usable Space: Proposed use is to be contained within the existing permitted lot coverage. Each six-plex lot encompasses 15,000 square feet of property. The Columbia Falls Zoning Ordinance allows maximum lot coverage of 45%. The proposed six-plex buildings encompasses 3360 square feet, maximum lot coverage therefore would be approximately 22% of the total lot, and within the allowable coverage.
ii) Adequate Access: Primary access is by Diane Road.

Parking Lots: The applicant proposes parking for the development on-site. Each structure will be largely independent of the other, with the exception that the abutting lots will share a parking lot approach. This reduces the cost of development, maintenance and mitigates storm water impacts. It is also how many of the neighboring lots have been developed. The applicant shall show that approaches have suitable legal access to both lots. This can be met with an easement, or through the provisions of the Unit Ownership Act.

Pedestrian Access: This is provided for throughout the subdivision's interior in the form of 5 foot wide detached sidewalks along the streets. Sidewalks are also provided along the parking lots. Staff suggests the sidewalks extend from parking lots directly to the street sidewalk. There is a pedestrian trail along Talbot Road 250 feet to the south on the other side of John Horine Park.

iii) Absence of Environmental Constraints: As the development will be served by public sewer and water, there does not appear to be any significant environmental constraints. As the lots are flat, there does not appear to be any danger of flooding or slumping. The applicant is required to maintain all drainage on-site as part of the building permit approval process. The drainage requirement protects adjoining neighbors from this project's roof and parking lot run-off.

b. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:

i) Parking Scheme: There is limited on-street parking available and the developer is proposing off-site parking for the development as required by zoning code. The code requires two parking spaces per unit so each 6-plex provides a minimum of 12 spaces. All parking lots and driveways will be paved with a 5 foot landscape buffer around the parking area. Visitors/guests can utilize the on-street parking. Residents will utilize the parking lots to the rear of the buildings and the rear entry to the structure.

ii) Required parking for Residential Apartment (18.518) is a minimum of two spaces per residential unit. The application indicates the correct number of parking stalls for the building types.

iii) Traffic Circulation: Access to all lots is via Diane Road. Diane Road was recently completed by a different developer and as conditioned in the previous CUP. Each residential unit is anticipated to generate up to 10 vehicle trips per day, therefore, this project could create 120 additional trips. With the completion of Diane Road, the circulation is now connected to the larger transportation network with multiple options for ingress and egress.

iv) Open Space: The applicant's proposal meets all front, side and rear yard setbacks as required by zoning. There is an established City Park (John
Horine) that is five acres in size and contains a play area, a soccer field and open space. It is within a short walking distance from the proposed structures at the end of Diane Road.

v) Fencing/Screening: The applicant proposes a five foot wide landscape buffer along the outside perimeter of the parking area as required by the Columbia Falls Zoning Ordinance since the parking is located within the rear or side yard setbacks. The applicant also proposes to buffer the parking areas with low-lying landscape.

vi) Landscaping: The applicant is providing a 5-foot wide landscape buffer along the outside perimeter of the parking area. There will also be low-lying landscaping treatment that will be incorporated as a buffer for the parking lot. One tree (1 ½ dbh) every 30 feet along the street will be provided by the applicant. The lawn areas will be sodded and irrigated as provided for in previous CUP’s.

The proposed apartment design is somewhat unusual in that the rear of the building faces the street and the entrances to the units fronts the parking lots at the rear of the lot. As a result, staff is recommending a five-foot wide landscaping bed along the south side of the buildings to soften the expanse of siding. This landscaping will also blend with that of the neighboring buildings.

Recently completed building in the neighborhood.

Completed ten years ago with mature landscaping.
vii) Signage: Signage would conform to existing Columbia Falls sign regulations for the CRA-1 zone. There are no signs proposed. The Sign Ordinance will limit the sign to 6 feet in height and 16 square feet per face maximum if an identification sign is requested.

c. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:

i. Schools: There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 12 new lots would generate approximately four (4) students to the schools system. The Junior High is within walking distance and the grade school and high school can be accessed by the Talbot Trail. The additional students should not negatively impact the District.

ii. Parks and Recreation: The applicants are not proposing any significant open space or recreational amenities on-site. The project is within easy walking distance to John Horine Park. This City park is 5 acres in size and contains a play area, a soccer field and additional open lands and the City of Columbia Falls Public Works shop. It has been noted in the previous CUP’s that this park is undersized for the amount of current and proposed population planned for this area. This park was part of the parkland dedication for the original platting of Hilltop Homes in 1978. At that time, these lots were planned for duplex uses, and did not take into consideration the possibility of multi-family structures, which is potentially 3 times the anticipated use. The 2004, 2014, and 2015 Conditional Use Agreements required a $1,000 per lot payment to the City of Columbia Falls be made to specifically for improvements at the John Horine Park. The City believes that is reasonable and should be included in the permit as well.
iii. Police: The Columbia Falls Police Department is responsible for the proposed development. The development will have an increase in potential impact as it brings 12 more families to the city and these families will be living in close proximity to each other.

iv. Fire Protection: The Columbia Falls Fire Department provides fire protection to this neighborhood. The Columbia Falls Building Inspector will review the development for all building and fire code requirements. Hydrants were installed with the completion of Diane Road.

v. Water: City water service is in place down Diane Road.

vi. Sewer: All lots will be serviced by City Sewer.

vii. Solid Waste: According to the site plan, both lots will share a single centrally located trash receptacle, located at the rear of the lot. The Architectural standards in the Columbia Falls Zoning Code require that the trash receptacle be shielded from view by a solid fence or wall with gate. Impact to the Flathead County landfill should be minimal. The owner shall make arrangements with a private hauler to collect and remove solid waste from the site.

d. Immediate Neighborhood Impact. As this proposal is similar in size and nature to the existing development in the immediate vicinity, the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general.

e. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   i) Excessive Traffic Generation: The twelve additional units will not significantly change the traffic volumes currently using the roads or about to use the roads. With the recent completion of Diane Road, traffic is dissipated through the neighborhood and not concentrated on a single path to the collector roads.
   ii) Noise or Vibration: There will be noise and activity associated with the normal construction process. Once completed, further activity will be residential in use with all traffic, garbage, light and noise consistent with that use.
   iii) Dust, Glare, Or Heat: No change to existing conditions is anticipated.
   iv) Smoke, Fumes, Gas, and Or Odors: No change to existing conditions is anticipated.
   v) Inappropriate Hours of Operation: None proposed.
   vi) Signage: 18.438.010 Permitted Signs in Zoning Districts allows the applicant to have signs that comply and do not to exceed the standards of section 18.438.080(c.).
APPLICABLE REGULATIONS
The following sections of the Columbia Falls Zoning Regulations are applicable to this proposal:
Chapter 18.210 Conditional Use Permits
Chapter 18.332 CRA-1 Residential Apartment
Chapter 18.532.010 Parking facilities
Chapter 18.438 Signs
Chapter 18.441 Small Buildings (less than 10,000 square feet)

SUMMARY
The Conditional Use Request for permitting two six-plex residential buildings located at 9 and 11 Diane Road in the Hilltop Homes subdivision. Staff recommends that the CUP should be approved based upon the information presented in the attached application and a review of the property and the associated findings of fact.
1. The multi-family nature of the project complies with the recommendations of the Columbia Falls City-County Master Plan and the more specific Talbot Neighborhood Plan. The building design has incorporated design elements such as gabled rooflines, covered porches, and projecting wall lines.
2. There are no environmental constraints on the property.
3. Diane Road was recently completed. Sidewalk and street trees are being installed with the completion of each building.
4. The project is density consistent with the neighboring residential buildings.

RECOMMENDATIONS
In accordance with 18.210.100 the Columbia Falls Planning Board and City Council must make a finding of fact for the items enumerated in the “evaluation based on criteria.”

Staff recommends that the Planning Board adopt this report as findings of fact and send a recommendation for approval of the CUP with conditions to the Columbia Falls City Council. The granting of this conditional use is contingent upon the facilities initial and continued compliance with the following conditions of approval:

1. The applicant shall develop the project as proposed, except as modified by these Conditions.
2. Where absent in front of the buildings, the applicant shall construct and/or install and improved to city standards, such as sidewalks and street trees to the extent of the lot boundaries.
3. A sidewalk shall be extended from parking lots to connect with the sidewalks parallel to Diane Road.
4. Street trees shall be planted at a minimum distance of 30 feet on center along the entire perimeter of the project abutting Diane Road. The trees shall be a minimum of 1 ½" dbh and shall be located in the boulevard between the street and the detached sidewalk.
5. The applicant shall pave all parking areas and driveways.
6. The applicant shall demonstrate that shared approach have the right of access to each lot by easement and maintenance agreement.
7. The applicant shall provide an engineered drainage plan to address on site storm water disposal. In addition, the applicant shall designate a snow storage area on site to accommodate parking lot snow disposal. This plan will need to be accepted by the City prior to issuance of a building permit.

8. The applicant shall fully enclose with a solid fence or completely screen with fence growing materials the garbage collection site as shown on the site plan.

9. All sewer and water hookups shall be built according to plans and specifications approved by the City of Columbia Falls and meeting the City Standards for Public Works Improvements and the Montana Public Works Standard Specifications.

10. All conditions provided above and all improvements necessary for the operation of an apartment complex must be in place prior to the occupancy of the complex. Any elements such as landscaping not finished prior to the issuance of an occupancy permit, may be bonded for with signed improvements agreement approved by the City Manager for an amount not less than 125% of the cost of the remaining improvement.

11. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations.

12. A $1,000 payment per lot will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to John Horine Park.

13. To address the orientation of the building, the applicant shall install a five foot wide landscape bed adjacent to the south side of the building. The landscape bed shall consist of shrubs, bushes, and ground cover. The landscaping shall include an irrigation system.

14. The Conditional Use Permit shall terminate 18 months from the date of issuance if commencement of the authorized activity has not begun.
APPLICATION FOR CONDITIONAL USE PERMIT

FILING FEE ATTACHED $360.00

PROPOSED USE: Dwelling, Multi-Family, one 2-plex building

per lot.

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:
Name: Robert W. Pero, Trustee of the Robert W. Pero Revocable Trust
Mailing Address: 1290 Birch Point Drive
City/State/Zip: Whitefish, MT 59937 Phone: 253-6147

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:
Name: Kevin Nelson, Marquardt Surveying
Mailing Address: 301 3rd Ave W.
City/State/Zip: Kalispell, MT 59901 Phone: 406-755-6265

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):
Street Address 9811 Diane Pl. Tract ____
Block _____ Lot 166 8 167
Subdivision Name Hilltop Homes
Section 16 Township 30 Range 20

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the Required Criteria for Conditional Use Application the Planning Board and Council must use to create a "Finding of Fact" in making a decision. Please review the Criteria carefully before providing the following information and documents.

1. Zoning District and Zoning Classification in which use is proposed: CEA - 1

2. Attach a plan of the affected lot which identifies the following items:
   a. Surrounding land uses.
   b. Dimensions and shape of lot.
   c. Topographic features of lot.
   d. Size(s) and location(s) of existing buildings.
e. Size(s) and location(s) of proposed buildings.
f. Existing use(s) of structures and open areas.
g. Proposed use(s) of structures and open areas.
h. Existing & proposed landscaping and fences.

3. On a separate sheet of paper, discuss the following topics relative to the proposed use:
   a. Traffic flow and control.
   b. Access to and circulation within the property.
   c. Off-street parking and loading.
   d. Refuse and service areas.
   e. Utilities.
   f. Screening and buffering.
   g. Signs, yards and other open spaces.
   h. Height, bulk and location of structures.
   i. Location of proposed open space uses.
   j. Hours and manner of operation.
   k. Noise, light, dust, odors, fumes and vibration.
   l. If the application is for a home occupation conditional use permit provide the following information:
      1. Number of employees that will work on the premises.
      2. Number of employees that are not family members residing at the premises.
      3. Estimated number and frequency of clients/patrons that will visit the on-site business.
      4. How much area will be used for the business. Compared to the area used for residential purposes.

4. Attach supplemental information for proposed uses that have additional requirements.

5. Attach a current certified list of adjacent landowners within 150 feet of the property boundary of the application property.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature [Signature] Date 9/5/17
Required Criteria for Conditional Use Application


A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

A. Site Suitability. That the site is suitable for the use. This includes:
   1. Adequate usable space,
   2. Adequate access, and
   3. Absence of environmental constraints.

B. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
   1. Parking scheme,
   2. Traffic circulation,
   3. Open space,
   4. Fencing/screening,
   5. Landscaping, and

C. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
   1. Sewer,
   2. Water,
   3. Storm water drainage,
   4. Fire protection,
   5. Police protection, and

D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   1. Excessive traffic generation,
   2. Noise or vibration,
   3. Dust, glare, or heat,
   4. Smoke, fumes, gas, or odors, and
   5. Inappropriate hours of operation
   6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.
INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit
1. A pre-application meeting with the planning director or member of the planning staff is required.
2. Submit the correct fee, (per schedule below) completed application and appropriate attachments to the Planning Office (address on the front of this form).
3. Attach a list of the names and mailing addresses of all property owners within 150 feet of the subject property as shown in the Flathead County Assessor’s records. (Public streets and right of ways are not included as part of the 150 feet).*
4. Application for Conditional Use Permit must be completed and submitted a minimum of thirty-five (35) days prior to the planning board meeting at which this application will be heard. The regularly scheduled meeting of the planning board is the Tuesday after the second Monday of each month.
5. After the planning board hearing, the application is forwarded with the board’s recommendation to the city council for hearing and final action.
6. Once the application is complete and accepted by the planning staff, final approval usually takes 60 days, but never more than 90 days.

Conditional Use Permit Fees:
- Single-family (10 or fewer trips/day) $250
- Minor Residential (2-4 units or 11-49 trips/day) $300 + $10/unit or 10 trips
- Major Residential (5 or more units or 50+ trips/day) $300 + $10/unit or $10 for every 10 trips
- Churches, schools, public / quasi-public uses $400 + $5/acre or unit or $300 or $.05/sf of leased space over 5,000 sq. ft. which ever is greatest
- Commercial, industrial, medical, golf courses, etc. $4.00 for each adjacent owner

Administrative Conditional Use Permit (Home Occupation, Temporary Use, and Minor Expansion of Non-Conforming Uses.)
1. A pre-application meeting with the planning director or member of the planning staff is required.
2. Submit the correct fee, (per schedule below) completed application and appropriate attachments to the Planning Office (address on the front of this form).
3. Attach a list of the names and mailing addresses of all property owners within 150 feet of the subject property as shown in the Flathead County Assessor’s records. (Public streets and right of ways are not included as part of the 150 feet).*
4. Once the application is complete and accepted by the planning staff, final approval usually takes 30 days, provided that issues raised during the public comment period can be mitigated. If mitigation is not satisfactorily accomplished then a Conditional Use Permit may be submitted.

Administrative Conditional Use Permit Fees:
- Residential $75
- Commercial/Industrial $125

*The County Clerk and Recorder or a title search company can provide such information.

4/07
Conditional Use Permit Request  
Robert W. Pero Revocable Trust  
Lots 166 & 167 of Hilltop Homes, Columbia Falls, MT

Application Section 3. Topics For Discussion

A. Traffic flow and control: 
The proposed traffic flow for the two lots would enter the property from Diane Road via a 24' driveway that is centered over the boundary line that divides the two, it will then lead to parking areas that will be located behind the proposed multi-family dwellings flowing in both NE and SW directions. An estimated 60 vehicle trips per day will be added to the traffic flows on Diane Road. Please see the Site Plan provided by BD Design.

B. Access to and circulation within property: 
Access will be via the driveway described in section "A" off of Diane Road. The site design has provided sufficient space for vehicles to access the 8' parking spaces located behind the dwellings allowing for a vehicle to circulate in and out parking area. Please see the Site Plan provided by BD Design.

C. Off-street parking and loading: 
There is a proposed 4 paved off-street parking spaces per dwelling unit totaling 12 spaces per lot. This exceeds the required 2 spaces described in the Columbia Falls Zoning Regulations (18.504.030).

D. Refuse and service areas: 
Solid waste will be private contract haul and 1 solid waste receptacle will be provided for each dwelling unit.

E. Utilities: 
Both city water and sewer are available to lots 166 & 167 and are located on Diane Road. Flathead Electric also has facilities on Diane Road. See attached images

F. Screening and Buffering: 
Setbacks required for zone CRA-1 will be provided and are shown on the site plan. The front setback is 20', rear 15', and sides 5ft each. Zone CRA-1 does not require any buffer/screening although screening will be provided around the open air parking area per Columbia Falls Zoning Regulations (18.522.050).

G. Signs, yards, and other open spaces: 
Signage would conform to existing Columbia Falls sign regulations for the CRA-1 zoning designation although there are no signs proposed at this time. The applicant is not proposing any significant open spaces or yard at this time either. There may be some sod areas integrated into the landscaping. The yard areas for the dwelling units are approximately 20' along Diane road and 20' along the driveway between the two lots. There is open space at Horine Park located about 600' SW of the dwelling units of which is owned by the city and is about 5 acres in size.
H. **Height, bulk, and location:**
The lots both exceed the minimum lot area of 7,500 square feet and are 15,000 square feet each. The lots also exceed the minimum lot width of 70' and are 120' each. All of the yard requirements are exceeded as well. The maximum height requirement of 35' will not be exceeded, nor will the maximum lot coverage area of 40%. All height, bulk, and location requirements will comply with those stated in the Columbia Falls Zoning Regulations (18.332.040).

I. **Location of proposed open space uses:**
There is no proposed open space on lots 166 & 167.

J. **Hours and manner of operation:**
The dwelling units are proposed to be residential in nature and will therefore not have hours of operation.

K. **Noise, light, dust, odors, fumes and vibration:**
As the proposed use is for residential dwelling units there are no expected issues regarding noise, light, dust, odors, fumes, or vibrations. There may occur some of the listed issues temporarily during construction of the dwellings units, but measures can be taken by the contractor in order to minimize the impact.

L. **If the application is for a home occupation conditional use permit, provide the following information:**
   1. Number of employees that will work on the premises:
      *There will be no employees on the premises*
   2. Number of employees that are not family members residing at the premises:
      *There will be no employees on the premises*
   3. Estimated number and frequency of clients/patrons that will visit the business:
      *There will be no businesses as the proposed use is residential*
   4. How much area will be used for the business compared to the area used for residential purposes:
      *There will be no businesses as the proposed use is residential*
Site images:

Figure 2 Lot 166 looking NW

Figure 1 Lot 167 looking SW
Continued:

Figure 3 Lot 166

Figure 4 Lot 167
Continued:

Figure 5 Various Utilities
STATE OF MONTANA
FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE DAILY INTER LAKE A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT NO. 24841

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF SEPTEMBER 24, 2017

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

Mary Booth

Subscribed and sworn to Before me this September 24, 2017

Dorothy I. Glenncross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2021
September 22, 2017

Re: Public hearing notice for a Conditional Use Permit (CUP).

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of public hearings that involves a request by Robert W. Pero for a Conditional Use Permit (CUP) to build two six-unit condominium/apartment complexes on Lots 166 and 167 of Hilltop Homes. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The project is described in more detail in the attached Legal Notice.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall.

Sincerely,

Eric H. Mulcahy, City Planner
CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, October 10, 2017 at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on November 6, 2017 starting at 7:00 p.m. in the same location.

**Request for a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:**

A request by Robert W. Pero for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result there will be a total of twelve units proposed. The six-plex’s will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed as 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comments may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATES this 20th day of September, 2017

**Susan Nicosia**

Susan Nicosia, City Manager/Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD