AGENDA

REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION

Tuesday, September 12, 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 August 15, 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. OLD BUSINESS:
   a. Tabled from August 15 Meeting - Swan Mountain Request

E. PUBLIC HEARINGS:

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 zoned CRA-1 (Residential Apartment). 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.

a. Adopt Staff Report CZC-17-02, Revised 9/1/2017, as findings of fact.

b. Approve the zone change request

F. NEW BUSINESS: None

G. ADJOURNMENT

Next Meeting – TBD
MINUTES
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, August 15, 2017 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

A. CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:32 p.m. PRESENT: Vukonich, Shepard, Duffy, Haverfield, Stene, Hughes and Bonitz. ABSENT: None.

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

Pledge of Allegiance

B. APPROVAL OF MINUTES: Duffy made a motion to approve the amended Minutes of the July 11, 2017 Planning Board Meeting (Stene absent and page 3 Duffy statement), second by Shepard and the motion carried.

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight’s agenda). None.

D. PUBLIC HEARINGS:
Chairman Vukonich read the hearing notice: The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, August 15th 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 August 21, 2017 starting at 7:00 p.m. in the same location.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
Weyerhaeuser NR Company, owners of subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CR-5 (Two-Family Residential), is located just east of the Cedar Palace, and contains one of the parking lots for the now closed Plum Creek Lumber Mill. The applicants propose to change the zoning to I-1 (Light Industrial) which matches much of the adjacent zoning. The property is located on 525 12th
Avenue West and is described as Assessor’s Tract 11 in Section 8, T30N, R20W, P.M.M. in Columbia Falls. The property is further described as follows:

All that certain lot, piece, or parcel of land, situated, lying and being in the County of Flathead and State of Montana, and particularly described as follows to wit:

All that portion of the southwest quarter of the southwest quarter of Section 8 in township 30 North, Range 20 West, P.M.M., lying northwesterly of the northwesterly boundary line of the Great Northern Railway Company’s right-of-way as the same now crosses over said southwest quarter of the southwest quarter, said tract being bounded on the north by the County Road, on the west by the County Road and on the southeasterly side by the Great Northern Railway Company’s right-of-way.

City Planner Mulcahy presented Staff Report CZC-17-01, noting the property is located at 525 12th Avenue West, just east of Cedar Palace. Mulcahy said Weyerhaeuser is requesting a zone change from a CR-5 (Two Family Residential) to CI-1 (Light Industrial). The applicant is hopeful the zone change will help sell the property at its highest potential and match the zoning of their adjacent properties. Mulcahy said Staff is recommending approval of the zone change from the board.

Duffy asked Mulcahy to clarify Paragraph B. Background information, the parcel size is indicated as ½ acre. Mulcahy said that is a typo and the parcel is approximately 4 acres, the staff report will be corrected.

Chairman Vukonich opened the Public Hearing at 6:45 p.m.

Rocky Ramey, 721 12th Ave West, said he has a problem with Weyerhaeuser asking for a favor. Ramey would like to see the city grab the land for an additional park. Mr. Ramey said he does not know what the light industrial zoning could develop into but does not want it in his back yard.

Chairman Vukonich closed the public hearing at 6:49 p.m.

Haverfield motioned to approve Staff Report CZC-17-01 as findings of fact, second by Stene.

Stene asked Mulcahy if the rezone would affect property taxes. Mulcahy said the zoning would not affect the property taxes but could affect what goes on in that area. Stene asked about the residents in the area and if it would affect them. Mulcahy said they are already zoned Light Industrial. City Manager Nicosia said industrial properties are assessed out of Helena and are assessed using a different method from residential properties. Haverfield said if they were to subdivide and create individual lots that could affect the taxable value. Stene asked Mr. Ramey if he could tell us more on why he views this as a favor for Weyerhaeuser. Ramey said Plum Creek was very involved in our community, and we have suffered a great deal since the Weyerhaeuser took over.
Weyerhaeuser has been here a short time and he has not seen any community involvement. How many jobs have we lost since they took over? Mr. Ramey believes we don’t owe them anything. Shepard asked what percentage we currently have zoned Light Industrial in the City limits. Mulcahy said we have historically been the industrial hub and explained when we do a zone change we look at the standards as well as the long range plan. Mulcahy said he prefers not have a residential subdivision come in to this property due to the surrounding area being Light Industrial as well as the location of this property, immediately adjacent to the truck route and the rail line. Vukonich asked if Habitat for Humanity 5th Street Homes subdivision required a re-zone. Mulcahy said the property was already zoned residential. Duffy said we typically send letters out to the neighbors, did we do that? Nicosia said yes we sent them out to residents within 150 feet, which was 13 letters. Duffy asked if we have received any correspondence from the neighbors. Nicosia said the city has not received any correspondence.

Haverfield said basically in all the nine points that Mr. Mulcahy has in the Staff Report statutory criteria meets the regulations.

Seeing no other questions for clarification, Chairman Vukonich called for the question. Motion carried with voting as follows: AYES: Haverfield, Duffy, Stene, Bonitz, Hughes and Vukonich. NOES: Shepard. ABSENT: None.

Stene said she feels it is her responsibility to separate Weyerhaeuser’s community involvement from any zoning issues. Shepard said there are many uses for the property, being on the council we get thumped for not having a dog park.

Duffy made motion to approve the zone change, second by Haverfield.

Vukonich asked Nicosia if there has been discussion by the City showing interest in this property. Nicosia said the City has not expressed any interest in the property.

AYES: Duffy, Stene, Bonitz, Hughes, Shepard, Haverfield and Vukonich. NOES: None. ABSENT: None. Motion passed.

Chairman Vukonich read the public hearing notice:

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 zoned CRA-1 (Residential Apartment). The applicants propose to change the zoning to CB-2 (General 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.

City Planner Eric Mulcahy presented Staff Report CZC-17-02, noting that this is a zone change request from CRA-1 to CB-2. The applicant runs a business for snowmobile rental along with booking other recreational activities. Repairs would only be allowed if there was a Conditional Use Permit in place. Parking was also a concern; the zoning does require parking on site. We also have set backs within our zoning districts when adjacent residential areas. This application complies with our growth policy. Staff recommends adopting the findings of fact and approving the zone change. Chairman Vukonich asked the Board if they had questions for clarification from staff.

Stene asked what the setback requirements are and if there is a landscaping plan. Mulcahy reviewed the CRA-1 and CB-2 setbacks for the Board and noted that the landscaping shall not be less than 5% to meet the Small Building Standards.

Haverfield believes the garage is in the setback. Mulcahy said he is unsure and would have to have a closer look at the existing garage. Vukonich said it appears there are 4 separate lots. Mulcahy said that is correct. Vukonich asked if the zone change is granted and the property owner decided to do something different with property other that what has been presented could this property be four different commercial lots. Mulcahy said he didn’t think so as the lots are too small and parking would be an issue. Stene inquired about the total square footage of the lot? Mulcahy responded approximately ½ acre.

Chairman Vukonich asked if the applicant wished to address the Board at this time.

Pat Tabor, 26356 Soup Creek Road, Swan Lake, said he has a number of properties and businesses in Columbia Falls, West Glacier, Coram and Whitefish. Swan Mountain Outfitters is a year round recreation service provider and are the concessionaire that provides the trail rides in Glacier Park. They also own Crown of the Continent Discovery Center where all the river rafting companies are located, which serves as their company headquarters during the summer. They have an office building in Hungry Horse with the main office in the Swan Valley. They are operating as Swan Mountain Snowmobiling which is a seasonal business. They run exclusive under permits from the Flathead National Forest, Glacier National Park and Montana DNRC; Canyon Creek is their primary location and they are also at Desert Mountain. The proposed zone change is not to conduct guided rides from the location. This will be an area for people to check in, fill out paper work, get gear and continue to the trail head. There is no starting the machines and running them around on the property. The purpose is to conduct reservation business such as GPI and Xanterra. It is their vision to provide jobs here in in Columbia Falls and be a part of the community. They are members of the Columbia Falls Chamber of Commerce and have donated snowmobile trips and trail rides around the area. They are not looking to disrupt anybody’s livelihood.

Chairman Vukonich asked the Board if they had any questions for the applicant.
Hughes said he sees the snowmobile trailers and asked where they are going. Mr. Tabor said we are with J & L who operates out of Columbia Heights and we have our equipment in Coram. What we really need is an area that is convenient for our guests as they are staying in Columbia Falls plus we get a lot of clientele from Whitefish. What people will see are clients checking in and out with the trailer already loaded waiting to go to the trail head. All of our parking will be on our property. Hughes asked Mr. Tabor if they will be working on the snowmobiles and equipment there. Mr. Tabor said we have a contract with Jesco in Kalispell to do maintenance and repairs; therefore we drop equipment off at the Jesco location. We will put oil in the snowmobiles on occasion. There is a little garage there that we would like to store 2 or 3 snowmobiles. Vukonich said he has witnessed cars parking on Railroad Street with the recent garage sales. How many trailers will be parking along the curb side in the dark early mornings and evenings. Mr. Tabor said the maximum number of trailers in a day is three; the trailers are there long enough for the guests to check in and leave. The guests will pull up to check in and then drive to the trail head, there is no long term parking. There is a morning session and an afternoon session. We will comply with MDOT parking on Railroad Street; we will pull off Railroad Street with our trailer on to our property. The idea is to do this in two phases, this year we will pull onto the property temporarily. Stene asked if it was 7 days a week. Mr. Tabor replied yes it is but we are not always running 7 days. When the snowmobiling season ends it will just be a professional office building. Stene said with the letters we have received there were concerns with setbacks, do you have plans to mitigate plans for those concerns with fencing, landscaping and parking. Mr. Tabor said we want to comply with the zoning laws and want to have the look of a class operation. We have been at this for 14 years and we are proud of what we do. Vukonich asked what the footprint of your structure will be. Mr. Tabor replied it is a modest single story with 3 office spaces with a retail space. Duffy asked if there will other equipment stored on the property. Mr. Tabor said no we have real estate elsewhere. We do have a moped rental company which would require a separate permit.

Vukonich opened the Public Hearing at 7:43 p.m.

Chairman Vukonich noted there were 4 letters in opposition of the zone change request.

Erik Lorona, 355 Gladys Glen Road, Coram, is the current General Manager of Swan Mountain Outfitters. This is their 6th season and their main focus is to be good neighbors. There will be no parking long term at the proposed location; there is a 15-20 minute check in process and the trailers will go directly to the trailhead. For a majority of the day there will not be activity at the office building only a couple employees. Their staff is approximately 8 people in the winter. They only use 4 stroke sleds to provide a safe service to see the back country. There will be no night time hours and no parking on Railroad Street.

Sarah Lower, 6365 Hwy 2 West, Columbia Falls, is here representing her parents at 565 6th Ave EN, as they were unable to attend the meeting. Ms. Lower said she has obtained a petition with 11 signatures opposing the zone change which she gave to City Clerk
Staaland. Ms. Lower read the letter her father wrote that had been handed out to the Board. We have heard a lot about growth policy and vision statement. Having the new business there will disrupt the neighborhood. Ms. Lower said the current garage is about 1 foot from her parents’ home. Garage sales have caused issues with her parents’ property; people park on their property and have ruined the grass. Ms. Lower does not think this is a good idea. Her parents are worried about their property value being next door to commercial property.

Dick Markham, 566 6th Ave. EN, said he has been here for 22 years and has raised 5 children there. There is one commercial property and that is GPI and the rest is residential houses. Mr. Markham said they have a good plan with no noise and working late at night but we don’t know what is going to happen in a year they may change their business. Sometimes these businesses don’t always stay in business and with 4 lots there they may have four different businesses. Right now it is residential with lots of families with children that live in this neighborhood. Mr. Markham said he is not ready to turn the property into a commercial area.

Don Barnhart, 560 7th Ave EN, said he lives directly adjacent to the said property. In order to make your decision you use your report and contest your staff report. Mr. Barnhart wanted to point out on the staff report they indicate they will not operate any other services out of that property other than the office building. Once the zone is changed it stays in place. Mr. Barnhart said the report indicates the commercial use can act as a buffer between the industrial use and residential. We have 160 feet of railroad track and an additional 60 feet on the other side of the railroad track before we get to any industrial property. Barnhart believes it is an inaccurate statement. There are 3 residential properties that abut the said property. There is only one commercial use on Railroad Street and that is GPI. The Stop and Shop has been changed to residential. We talk about the Growth Policy, keep in mind it is not law but it is a guiding document. On page 4 states the ultimate goal of the applicant is that he can have some service carried out at the property. Barnhart believes that is not the case. If people are parking on Railroad Street, there are a lot of school children that walk that road to the bus stop at the old Stop and Shop. We currently do not have a pedestrian walkway on that route. Mr. Barnhart said when zoning is in place you cannot take it back. They may not always be the owner of this property and once the zoning is in place it stays. Barnhart recommended renting from GPI in their great building. If the Board votes in favor of the zone change Barnhart said he would like to see several things attached to the zone: to designate it as a booking office and display purposes now and forever, no maintenance repair or storage of equipment be allowed on site and hours of operation limited to 8 am - 5 pm. Barnhart believes this is not a good idea and should not be forwarded on to council.

Connie Cohen, the owner of the 6-plex at 590 7th Ave EN, She stated that the only commercial property she saw was the Head Start School and GPI, the rest is residential; there are 6 families that live in the apartments. Cohen believes it will change the character of the neighborhood.
Sharlen Markham, 566 6th Ave EN, said she has grandchildren and they are everywhere. Ms. Markham said when she moved in 21 years ago it was a residential area and she would like to keep it that way.

Richard Turbiak, 35 4th Street W., Kalispell, representing Citizens for a Better Flathead, requests the zone change be denied. Mr. Turbiak began reading a letter that he had given to the board at the beginning of the meeting.

Chairman Vukonich asked Mr. Turbiak if he intended to read the entire letter he submitted. Mr. Turbiak replied yes he was. Vukonich said he did not believe that was necessary since the Board had the letter.

Mayre Flowers, Lost Peak Road, Whitefish, said she understands when you cut short testimony the public does not have the opportunity to comment, and encourages the gentleman before her to complete his comments. Ms. Flowers also said she would like to see a more appropriate zoning put in with more conditions. Flowers asked if there was flexibility within the city regulations to waive the fees if the original request was withdrawn and the applicant submitted a new application for a PUD? City Manager Nicosia said she would have to look it up, noting that the City would have to resend letters and public notices.

Vukonich asked the Board if they would like Mr. Turbiak complete his letter. Shepard said the public in attendance did not have a copy of the letter and did not see a problem with him continuing. Mr. Turbiak finished reading the letter submitted to the board.

Sarah Lower, said with the new WFCU building going in on 9th Street and perhaps the old location would be an option for Swan Mtn. Outfitters office building.

Mr. Tabor just wanted to point out why they were requesting the zone change; they proposed this area as its applicability to the growth policy, area zoning and encouraging advice by the city as well as being affordable for us. They are a small family business and they are trying to do the best they can. Mr. Tabor said he is sensitive to the fact that a zone change is a zone change but the concept of withdrawing and resubmitting when they already have a substantial amount of money invested in this project is difficult for a small family business. They have been looking long and hard at Columbia Falls for a better part of 3 years. What they are planning to put there will be attractive which typically does not drop property values. They are open to ideas from neighbors and if trees were put up along the fence line, the neighbors would hardly know they were there.

Janet Helland, 555 6th Ave. EN, said she has lived there for 39 years and is now retired. Ms. Helland owns ½ acre and likes to look out the back yard. A couple of her concerns would be property taxes and parking. Ms. Helland said Railroad Street is already a very busy area in the summer.
Vukonich closed the Public Hearing at 8:35 p.m.

Vukonich asked Mulcahy when you refer to commercial use to the west who were you referring to? Mulcahy said the school, past Nucleus, the Food Bank and a new commercial building.

Shepard asked about the existing garage and housing snowmobiles, earlier they stated they were going to store 2 or 3 extras. Mr. Tabor said he would be storing clothing and gear and may have one or two machines as backups. Stene said on page 4 of 8 said there will be sound proofing in the building as to not disturb the residents. Mr. Tabor said what we are not going to do is take apart a snowmobile. The first phase in the spring would be to build an office building that looks like a house. Later, they would look at expanding the shop with leaving room for parking. Stene asked how many parking spaces are needed. Mulcahy said when anybody submits an application they submit plans to us we then start talking about parking space which is based on building square footage. Vukonich said at Tiens Place his employees’ park in residential neighborhoods. What is the city ordinance on spillover? Nicosia said on Railroad Street there is parking; platted roadways are right of ways and are used for public parking. With the CB-2 zoning, there will be specified parking for the retail space. Vukonich said in Mr. Turbiak’s letter one of the paragraph on page two specifically addresses analysis with negative impacts. Mulcahy said essentially right now the neighborhood is already or could be zoned for commercial use. Haverfield said the existing garage may not be in compliance with setbacks. Mulcahy said it would have to be moved with the conversion in order to be in compliance there is no grandfathering when you convert the use. Stene asked if the board make a recommendation for a modified set back. Mulcahy replied no zoning is zoning.

Duffy motioned to adopt Staff Report CZC-17-02 as findings of fact, second by Hughes.

Shepard said he would make a motion to approve two amendments: no maintenance on site and specified hours of operation. Mulcahy said that we cannot condition a zone change. Shepard withdrew his request to amend.

Motion carried with voting as follows: AYES: Stene, Bonitz, Hughes, Shepard, Haverfield, Duffy and Vukonich. NOES: None. ABSENT: None.

Duffy motioned to deny the Zone Change for Swan Mountain Outfitters, second by Shepard.

Stene said she agrees with the conclusion in the Staff report. She is familiar with Swan Mountain Outfitters and when she thinks of businesses coming to Columbia Falls, this business is one of them. She supports businesses being located by GPI. She did have concerns with the 5 foot setback and said the neighbors have valid concerns about the parking and setbacks; which could have been addressed more in the staff report.
Duffy asked when the previous property owner built the garage? Shepard thought it was in the late 70’s. Duffy asked the current property owner what his intent was when he purchased the property. Mr. Ellotson said he purchased the property a year ago to use the current buildings to store things. He said he never intended to use the property for a residential use.

Duffy noted that there is extreme attendance in opposition and in his opinion, what’s good for the many outweighs the good for one.

Haverfield as if the Board recommends to deny is there still a hearing at Council? Mulcahy said yes.

Vukonich asked for clarification on the process. Mulcahy said if the Board denies this request, they need to go back amend the staff report findings of fact.

Vukonich requested a short recess at 9:15 p.m. Board returned to session at 9:21 p.m.

Bonitz motioned to Amend the Findings of Fact, second by Stene. As Board could not articulate amendments at this time, Bonitz made motion to withdraw his motion to amend the Findings of Facts, second by Stene.

Hughes made motion to table further action on the requested zone change to the September 12th meeting, second by Shepard. Motion carried with all members voting in favor.

Stene excused herself from the meeting at 9:24 p.m.

E. OLD BUSINESS:
Potential Text Amendments-Mulcahy handed out the proposed text amendments for the SAG zones, proposing similar text to the County’s and the definition of a guest house is also proposed to be the same as the County text. Mulcahy also handed out an accessory dwelling unit text. Mulcahy advised the Board that the text amendments will be looked at in the future.

F. NEW BUSINESS: None

G. ADJOURNMENT:
Motion by Shepard second by Haverfield meeting adjourned at 9:39 p.m
CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARINGS

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:

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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.

DATED this 22nd day of August, 2017.

Susan Nicosia

Susan Nicosia, CPA, MPA, City Manager
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
SWAN MOUNTAIN REAL ESTATE HOLDING, LLC
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT CZC#17-02
JULY 7, 2017
REVISED SEPTEMBER 1, 2017

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CRA-1 (Residential Apartment) to CB-2 (General Business) within the Columbia Falls Zoning Jurisdiction. The Planning Board Held a Public Hearing on the zone change request Tuesday, August 15, 2017. At this meeting the hearing was closed and the board deliberated. After a number of motions, the Board tabled discussion to the September 12, 2017 regular meeting. At the request of the applicant and in consultation with City staff the request for the zoning has been modified to include the CB-3 zoning classification as an option for the Planning Board and City Council to consider. Should the Planning Board decide to consider the CB-3 zoning option, than staff requests that the Board conduct a new Public Hearing to allow the public to comment on the revised request. Legal notice was published and sent to the adjoining neighbors of the revision and potential public hearing. Upon conclusion of Planning Board action, a subsequent hearing will be held by the Columbia Falls City Council September 18, 2017 at 7:00 P.M. CB-3 revisions are indicated with an underline.

BACKGROUND INFORMATION

A. PETITIONERS
Swan Mountain Real Estate Holdings, LLC
26356 Soup Creek Road
Swan Lake, MT 59911

Lester Elletson
P.O. Box 2010
Columbia Falls, MT 59912

B. LOCATION/DESCRIPTION
The properties are located at the intersection of 6th Avenue East North and Railroad Street in Columbia Falls. In total the properties amount to 0.42 acres. The properties are described as Lots 1, 2, 3, & 4 Lot 24 Van’s Acre Tracts all in Section 9, T30N, R20W, P.M.M, Flathead County.

C. REQUEST
The request would amend the zoning on the properties from CRA-1 (Residential Apartment) to CB-2 (General Commercial) or CB-3 (Limited Business). See figure 1 for current zoning. Currently the property has a garage and a shed with no other buildings. The applicant proposes to use the site as a “Reservations Headquarters” and Booking facility for their outfitting guide service. They also will receive snowmobile guests to check-in before their guided services at Canyon Creek. However they will not operate those services out of this facility, just the check-in and gear fitting.
D. **REASON FOR REQUEST**
The Applicant/Owner requests the zone change to use the property for commercial purposes similar to neighboring properties along Railroad Street such as GPI located in the old forest service building. The property fronts a collector street and the Burlington Northern Railway Line. The commercial use can act as a buffer between the industrial use to the north and the residential use to the south.

E. **EXISTING LAND USE**
The property currently has a garage and shed and to my knowledge has only been used for storage and recently garage sales.
F. ADJACENT ZONING AND LAND USE:

Figure 1 shows the existing zoning and use.

<table>
<thead>
<tr>
<th>Direction from Site</th>
<th>Current Zoning</th>
<th>Current Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CH-1</td>
<td>Heavy Industrial with the BN Railroad and the Columbia Falls Industrial Park</td>
</tr>
<tr>
<td>South</td>
<td>CRA-1 and R-3</td>
<td>Single Family Residential Use</td>
</tr>
<tr>
<td>West</td>
<td>CB-2</td>
<td>Single Family Residential Uses</td>
</tr>
<tr>
<td>East</td>
<td>CB-2</td>
<td>Apartments and Commercial Uses</td>
</tr>
</tbody>
</table>

G. GROWTH POLICY DESIGNATION

The Columbia Falls Growth Policy Map designates the subject property for Commercial use (Figure 3. This proposal complies with the map and text of the Growth Policy.

Text of the Columbia Falls Growth Policy (2013 update) supports the request as described in Goal #2 of Chapter 4 Land Use – Commercial: “Columbia Falls as a gateway community to Glacier Park and surrounding recreational assets which provide the traveler and residents with a broad array of retail businesses, services, and accommodations.

Also considered in the Growth Policy is the character of a neighborhood. Policy 1. “Design and locate development to protect public health and safety; insure adequate provisions of services; fit the character of its surroundings; encourage the most appropriate use of the land. Community character shall represent the following values identified by the community in the
Because this commercial district is used as a buffer between industrial use and residential uses, it is important that the buffer does not impact its neighbors in a negative way. The proposed use will primarily be office use when clients are booked for trips and also when snowmobile riders using the services fill out paperwork along with getting fitted for gear and helmets before the head out to the trail head.

Figure 3
**Legend for Growth Policy Map**

- **GROWTH POLICY AREA**
  - Columbia Falls City Limits - 1/2005

- **Arterial Street**
  - Typically over 5,000 vehicles/day

- **Collector Street**
  - Typically 1,000 - 5,000 vehicles/day

- **Existing Bicycle/Pedestrian Trail**
- **Proposed Bicycle/Pedestrian Trail**

**LAND USE**

- **Commercial**
  - General, highway and neighborhood oriented retail sales, services or mixed office use

- **Resort Business/Residential**
  - Resort area providing mixed commercial services, recreational opportunities, and a mixture of housing types and densities within the confines of an overall development plan

- **Urban Mixed Use**
  - Integrated development area which may contain a combination of commercial services, housing density and types, including single family through multi-family, all of which are and receiving urban services, and are within the confines of an overall development plan.

- **Heavy Industrial**
  - Manufacturing, processing, storage and assembly where noise, odor, dust and associated impacts extend beyond the confines of a building or screened area.

**H. UTILITIES/SERVICES**

- **Water**
  - The property will be served by City water.

- **Sewer**
  - The property will be served by City Sewer

- **Fire Protection**
  - Columbia Falls Fire Department

- **Police Protection**
  - Columbia Falls Police Department

- **Electricity**
  - Flathead Electric Co-op.
EVALUATION BASED ON STATUTORY CRITERIA

This request is reviewed pursuant to the criteria set forth in Section 76-2-304, M.C.A., and as stated by the Montana Supreme Court. The following findings are made:

1. **Does the requested zone comply with the Growth Policy?**
   The Columbia Falls Growth Policy Map designates the subject property for Commercial use. The zone change complies with the Goals and Policies of the long range planning document as addressed in Item G previously. This proposal complies with the map and text of the Growth Policy. (Figure 3).

2. **Is the requested zone designed to lessen congestion in the streets?**
   The subject property is located along a designated collector street and also a secondary highway maintained by the MDOT. Railroad Street is intended to carry large numbers of vehicles. The growth policy designation and neighboring zoning designations recognize that this location is better suited for commercial than for residential use. The result is that this is a location that anticipates large volumes of traffic.

3. **Will the requested zone secure safety from fire, panic, and other dangers?**
   The property is located in the City Limits of Columbia Falls and is serviced by the Columbia Falls Police and Fire departments. According to the Flathead GIS Website, the property is not mapped within the Wildland Urban Interface. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J). The property is adjacent to a collector street and located near the Burlington Northern Railroad tracks. The proposed use should help buffer the more sensitive residential uses from the railroad noise.

4. **Will the requested change promote the health and general welfare?**
   The proposed zone change is near the BN Railroad tracks which pose some concerns with children trespassing on the tracks. As a result the commercial use is better suited as a neighbor to the railroad. Given that there will be no actual snowmobiling from the property; there should be no concern of residents that the proposed snowmobile customer check-in would generate noise. Noise should not be an issue for the residential neighborhood as the business owner is not proposing unusual early morning or closing times. Because the reservation and snowmobile business are day time operations, hours of operation should be reasonable because the guests are only accommodated during typical business hours.

5. **Will the requested zone provide for adequate light and air?**
   Setbacks are 15 feet in the front, 5-feet on the side, 15 feet on the side corner and rear yards when abutting residential. The CB-2 setbacks are the same as the CRA-1. Therefore, the zone change will have little or no impact on light and air.

6. **Will the requested zone prevent the overcrowding of land?**
   The proposed zone change closely complies with the Community’s long range planning documents, the Columbia Falls Growth Policy, 2013 Edition. The proposed zoning matches the zoning designation for the property located directly east and west of the applicant’s property. Based on the Growth Policy designation and the neighboring zoning designations the proposed zoning will not overcrowd the lands because this land use intensity is anticipated.

7. **Will the requested zone avoid undue concentration of people?**
   The existing CRA-1 zoning district anticipated multi-family development and significant concentrations of people. The proposed CB-2 or CB-3 zoning would
produce concentrations of people similar to the multi-family designation. The proposed zone change will not create an undue concentration of people.

The Growth Policy Map prescribes a commercial designation for this area (Figure 3) so a high concentration of people is anticipated in the long range planning document.

8. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
The proposed zone change does not by itself provide or require the adequate provisions of infrastructure. However, when the applicants go through Building Permit review, the project will be reviewed for access, parking, sewer, water, etc.

As the property is in the City limits of Columbia Falls, the Streets are owned and maintained by the City except that Railroad Street is owned and maintained by the MDOT. The City provides sewer and water services. Schools are provided by the Columbia Falls School District. Parks are provided by the City, County, and State.

9. Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?
The subject property is a transitional parcel. There are industrial uses to the north including the BNSP railroad tracks. There are multi-family and business uses to the east. There is single family use but commercial zoning to the west and there is a single family neighborhood to the south. The commercial use would create a good buffer between the industrial use to the north and the single family use to the south. However if the commercial use was intrusive or noisy, it could be an issue for the neighboring residents. The zoning regulations make a distinction between “service” and “repair”. Service would be fluid replacement and very minor adjustments to the vehicle. Repair would be motor rebuild, part replacements, and the like. Service is allowed by right in the CB-2. Repair requires a CUP. If the applicants proposed repair in the future the City could require sound proofing of the facility, hours or operation and shielding or prohibition of outdoor storage.

It should be pointed out that in communications with the applicant; the use of the property is primarily office use where the business books trips for all manner of recreation. Secondly it would be the initial meeting place for paperwork and outfitting before the clients and guides drive up to the trailheads where they meet the snowmobile trailers and embark on the trip.

Upon consideration of the Public Comment at the August 15th Planning Board meeting staff would like to consider the CB-3 zoning as an alternative to the CB-2 zoning designation. The CB-3 is a “limited commercial” zoning designation that was adopted by the City Council in 2013 for the area around the Teakettle Fishing Access but was never implemented on a zoning map. The CB-3 unlike the CB-2 limits the size and nature of commercial uses. For example: retail buildings are limited to 3,000 square feet and office buildings are limited to 4,000 square feet. Restaurants and retail up to 4,000 square feet requires a conditional use permit. The CB-3 would allow the office, limited retail, and short term parking of the applicants proposed use. Another difference in the CB-2 to the CB-3 is that the setbacks for the primary structure increase from 15 to 20 feet for the front yard setback. The applicant has appropriately indicated the impact of the more restrictive setback as well as narrowed commercial use defined by CB-3 for the future as having negative impacts to his economic value of the property. The applicant inquired if it is decided to grant CB-3 zoning could the setbacks available for CB-2 remain since they match the existing setbacks for CRA-1 and would not severely limit the available building footprint of the property given the unusual triangular shape.

It would appear that the CB-3 more closely reflects the scale of the neighborhood through the size limitations of the zoning. A number of neighbors commented that they did not necessary object to the proposed used as described by the applicant but
they were concerned that if his business moved from the site the CB-2 zoning would allow a large number of uses to come onto the site that would be objectionable. It should be pointed out however, that the size of the lot and the building envelope will limit the potential uses anyway, and properties to the west and east are already zoned CB-2.

10. **Does the requested zone give reasonable consideration to the character of the district?**

There are industrial uses, multi-family uses, business uses, and single family uses on the neighboring lands. The community in its review and approval of the Growth Policy identified this property for commercial use and to act as a buffer between intensive industrial uses to the north and the impact sensitive residential uses to the south. The proposed zone change does give consideration to the character of the district. The zoning code should provide enough oversight that proposed commercial uses do not negatively impact the residential uses to the south.

As with the original request for the CB-2 zoning, the 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 with the limited building footprints might better fit the residential character of the neighborhood.

11. **Will the new zoning affect property values?**

Given that the subject properties already neighbor industrial, apartment, and commercial uses, the proposed zone change should not have a negative impact on nearby property values. There would be a property value impact of CB-2 versus CB-3 however.

12. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**

The subject property is designated in the Columbia Falls Growth Policy as Commercial. The text of the Growth Policy supports this location. The zoning to the east and the west already are designated CB-2. It would appear that this is an appropriate location for the requested use.

**SUMMARY**

The property is designated “Commercial” by the Columbia Falls Growth Policy. The property is located adjacent to lands already zoned CB-2 some of which are developed with use. The proposed densities are supported by the urban services and utilities of the City of Columbia Falls.

**RECOMMENDATION**

Staff finds that the subject property sufficiently meets the adopted review criteria to be rezoned from CRA-1 to CB-2 or CB-3. Staff recommends that the Columbia Falls Planning Board adopt staff report CZC-17-02 as Revised September 1, 2017 as findings of fact and recommend approval of the zone change to the Columbia Falls City Council.
STATE OF MONTANA
FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY SWORN, DEPESDES 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. 24800

LEGAL ADVERTISMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF AUGUST 27, 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.

Subscribed and sworn to
Before me this August 27, 2017

Dorothy I. Glenross
Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/11/2017
PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED $1,100.00

Zone Change Base Fee $1000
For first 80 acres $25/acre
For each add’l acre over 80 $10/acre
Certified Owner’s List $75
Per each address on list $5/ea. address

NAME OF APPLICANT: Swan Mountain Real Estate Holdings, LLC – Potential Buyer and Applicant, Lester B. Ellctson – Seller, current owner
MAIL ADDRESS: 26356 Soup Creek Road
CITY/STATE/ZIP: Swan Lake, MT 59911 PHONE: (406) 886-3999
INTEREST IN PROPERTY: I am in escrow to purchase the property and would be 100% owner

PLEASE COMPLETE THE FOLLOWING:

A. Address of the property: NHA 6th Avenue NE (combined two lots) plus two adjacent lots NHA Railroad Street

B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number (Section, Township, Range)
VANS AC TR, S09, T30 N, R20 W, Lot 024, VANS AC TR LOT 24 TR 1&2
VANS AC TR, S09, T30 N, R20 W, Lot 024, VANS AC TR LOT 24 TR 3
VANS AC TR LOT 24, S09, T30 N, R20 W, BLOCK 024, Lot 004
(Attach sheet for metes and bounds)

C. Land in zone change (ac) .42 Acres (18,160 sq. ft.)

D. The present zoning of the above property is: CRA-1 Residential Apartment

E. The proposed zoning of the above property is: CB-2 General Business

F. State the changed or changing conditions that make the proposed amendment necessary:
This area is directly across the train tracks and on the road to Canyon Creek. This represents an ideal location for our snowmobile business as well as year round reservation office. It is less attractive for residential purposes given location and proximity to tracks and busy Railroad Street.
HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

A. Promoting the Growth Policy
   Fits directly in plans to expand business area, utilize an area that isn’t conducive to
   residential and long-term goal to have attractive businesses for jobs and as an
   attraction to alternative route to Glacier National Park. This will also serve as a draw
   of guests to the Columbia Falls downtown area as they make their way to our offices.

B. Lessening congestion in the streets and providing safe access
   This relieves any traffic in the Nucleus area and moves to outskirts of town with less
   congestion. Plus the property will take traffic off street when guest are checking in

C. Promoting safety from fire, panic and other dangers
   The proposed project will have no material impact regarding fire, panic and other
   dangers

D. Promoting the public interest, health, comfort, convenience, safety and general
   welfare
   This project will promote more amenities available to the public plus create an
   opportunity for jobs for city’s citizens; this will have a positive impact regarding public
   interest, health, comfort, convenience, safety and general welfare

E. Preventing the overcrowding of land
   The proposed project does not contemplate any overcrowding of land

F. Avoiding undue concentration of population
   The proposed project does not contemplate any concentration of population

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks
   and other public facilities
   The proposed project anticipates no material impact on provision of transportation,
   water, sewage, schools, parks and other public facilities

H. Giving reasonable consideration to the character of the district
   The proposed project will add nicely to the area that is currently void of character and
   use

I. Giving consideration to the peculiar suitability of the property for particular uses
   The proposed project is particularly well suited for this location as it won’t be
   interrupted or negatively affected by proximity to the train tracks. Additionally, since
   the location is on the direct route to the main snowmobile recreation area, it will be
   ideally suited to appeal to guests and serve as a draw for guests to visit downtown
   Columbia Falls

J. Protecting and conserving the value of buildings
There is only an existing garage that will be utilized otherwise the lots are vacant.

K. Encouraging the most appropriate use of land by assuring orderly growth

Our plan is to have a tastefully designed office setting with a shop used to house our snowmobiles. We want clients and passers-by to be impressed with our location and presentation.

The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

(Applicant Signature)  6/28/17  (Date)

(Land Owner Signature)  6/29/17  (Date)
SUBJECT PROPERTY
August 23, 2017

Re: Public hearing notice for an Amendment to the Columbia Falls Zoning Map for a portion of property 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.

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 a public hearing that involves a request by Swan Mountain Real Estate Holdings, LLC, applicant, and Lester B. Elletson, land owner, to amend the zoning district map on property located at the corner of Railroad Street and 6th Avenue East North in Columbia Falls. The property is currently zoned CRA-1 (Residential Apartment) and the requested change is to CB-2 (General Business) or CB-3 (Limited Business). 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 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 Ellston, 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 zoned CRA-1 (Residential Apartment). 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.

DATED this 23rd day of August, 2017.

Susan Nicosia
Susan Nicosia, CPA, MPA, City Manager
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
ORDINANCE NO. 740

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, ADDING SECTION 18.337 CB-3 LIMITED BUSINESS TO TITLE 18 OF THE COLUMBIA FALLS MUNICIPAL ZONING CODE AND AMENDING SECTION 18.438 SIGNS TO ADD CB-3 PROVISIONS.

WHEREAS, the City Council believes that certain changes are necessary for the purposes of updating and clarifying the Columbia Falls Zoning Code;

WHEREAS, the City Council believes that certain text amendments to the Columbia Falls Area Zoning Ordinance are necessary to promote the health, general welfare, safety and/or morals of the citizens of Columbia Falls;

WHEREAS, said amendments were considered by the Columbia Falls City-County Planning Board and Zoning Commission at its regularly scheduled meeting on June 11, 2013, and the Board recommended approval of said zoning text amendments;

WHEREAS, a hearing on said zoning text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, July 15, 2013, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Columbia Falls City-County Planning Board and Zoning Commission, together with any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that the zoning text amendments are in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact: That the Columbia Falls Planning Office’s Staff Report, CZTA-13-01, dated June 4, 2013 is hereby adopted by the Council as findings of fact with respect to said zoning text amendments.

Section Two. Sections Amended: That Title 18 of the Columbia Falls Municipal Code is hereby amended as set forth on Exhibit “A” attached hereto.

Section Three. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.
PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19th DAY OF August, 2013, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Karper, Petersen, Plevel, Bates and Barnhart

NOES: None

ABSENT: Shepard

_________________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 19th DAY OF August, 2013.

_________________________________________
Mayor

ATTEST:

_________________________________________
City Clerk
Chapter 18.337 CB-3 LIMITED BUSINESS

18.334.010 Definition.
A business district to provide certain limited commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district should serve as a buffer between residential areas and the Highway primarily serving the tourist/visitor needs but also providing services for the local population. The district is not intended for those businesses that require the outdoor display, sale, and/or storage of merchandise, and outdoor services or operations. It is also not intended for buildings larger than 4,000 square feet.

18.334.020 Permitted uses.
The permitted uses in the CB-3 district are as follows:
A. Accessory building or use;
B. Automobile parking in conjunction with approved uses;
C. Day care centers;
D. Dwellings, single family;
E. Food stores, retail only, less than 3,000 square feet of floor area;
F. Office; Professional, public and private, less than 4,000 square feet of floor area;
G. Parks;
H. Public transportation shelter stations;
I. Public utility service installations.
J. Retail sales and service, less than 3,000 square feet of floor area

18.334.030 Conditional uses.
The conditional uses in the CB-3 district are as follows:
A. Electrical distribution station;
B. Temporary buildings or structures;
C. Water storage facilities.
D. Fence within twenty (20) feet of front property line;
E. Fence within fifteen (15) feet of side corner property line.
F. Home Occupation (See Chapter Special Provisions 18.400)
G. Micro-Brewery, Brew Pub and Mini Brewery less than 4,000 square feet
H. Restaurants less than 3,000 square feet of floor area
I. Retail sales and service less than 4,000 square feet of floor area
18.334.040 Bulk and dimensional requirements.

The bulk and dimensional requirements of the CB-3 district are as follows:

A. Maximum lot area: three acres;
B. Minimum district width: 80-feet;
C. Minimum Lot Size: 9,600 square feet;
D. Minimum yard requirements:
   1. Front: twenty (20) feet;
   2. Side: five (5) feet each;
   3. Side corner: fifteen (15) feet;
   4. Rear: fifteen (20) feet;
E. Maximum height: thirty-five (35) feet;
F. Permitted lot coverage: 30%;
G. Maximum fence height:
   1. Front: see Special Provisions;
   2. Side: six (6) feet;
   3. Rear: six (6) feet;

CHAPTER 18.438 SIGNS

18.438.010 – Signs - Purpose

The purpose of these standards is to prescribe standards for the location, design, color, illumination, height and size of all types of signs within the City of Columbia Falls in order to protect the unique natural beauty and small town character of the City, our primary assets. This article also intends to promote the following.

A. To ensure that signs preserve and protect the public health, safety, and welfare by not allowing signs that constitute a traffic or pedestrian safety hazard, or obstruct public ways; or create a nuisance.
B. To protect and enhance the community’s image while allowing local businesses to communicate with potential customers in a reasonable manner.
C. To encourage the innovative use of design that is creative and distinctive, compatible with its surroundings, is an integral component of the style and character of the building to which it relates, is appropriate to the activity to which it pertains and is appropriately sized for its context.
D. To maintain and enhance the aesthetic environment while promoting creativity and the City’s ability to attract sources of economic development and growth.
E. To promote both renovation and proper maintenance.
F. To encourage the construction of signs of natural materials which are compatible with the historic, cultural and natural surroundings.
G. To promote clear views of the natural surroundings by minimizing visual clutter and reducing the competition for airspace.
H. To eliminate distracting lighting, excessive glare and light pollution by reasonably limiting the illumination of signs and buildings to subdued, adequately shielded or concealed light sources.
I. To enable the fair and consistent enforcement of these sign regulations. (Ord 689 § 2(part), 2007)

18.438.020 Signs permitted in all districts without a permit.
The following signs are allowed in all zoning districts and do not require a permit:
A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, and not exceeding twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
B. Signs bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations, and not exceeding twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
C. Flags and insignias of any government except when displayed in connection with commercial promotion.
D. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
E. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
F. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, and not exceeding twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
G. Bulletin boards for churches, schools, or other public, religious, or educational institution provided such sign is located not less than ten (10) feet from the established right-of-way line of any street or highway and does not obstruct traffic visibility at street or highway intersections. Such signs shall not exceed forty square feet in area; if free standing, each side may not exceed forty square feet in area. *Electronic Changeable Copy sign or internal lighting is permitted provided* it complies with 18.438.040 C. and is not intrusive on adjacent property.
H. Political signs, each not exceeding twelve (12) square feet, not erected more than thirty (30) days prior to, and removed not more than one week after, the election or event to which the sign pertains.
I. One sign per street frontage of a building which is under construction, provided the advertising display area of such a sign shall not exceed sixteen (16) square feet in residential districts or twenty (20) square feet in other districts.
J. Temporary signs associated with garage or yard sales, non-profit community events, or similar activities are allowed as long as they meet the following requirements: (1) Such signs may be posted or displayed for no more than five (5) days; (2) All such signs must be dated with the date of posting; (3) All such signs must be removed within forty-eight (48) hours after the sale
or other activity in question. (Ord 689 § 2(part), 2007; Ord 593 § 1, 1996; Ord 523 § 1, 3(part), 1989)

18.438.030 Signs Prohibited in All Districts

A. Revolving Signs. No revolving signs shall be permitted.
B. Billboards. No billboards shall be permitted.
C. Abandoned signs or any sign which identifies or advertises an activity, business, product, service or special event which is no longer produced, conducted, performed or sold on the premises where the sign is located. A sign is considered abandoned if it meets this period for eighteen (18) months or longer.
D. Rotating, flashing or blinking signs, strobe lights and searchlights except electronic message signs as provided elsewhere in these regulations.
E. Signs that have been unlawfully or illegally erected and/or maintained.
F. Permanent display of banners, pennants, festoons, balloons, tethered objects, strings of flags, streamers, inflated objects or any device intended as an attractant that is affected by the movement of the air.
G. Roof signs higher than the apex of the roof. Religious symbols may extend up to thirty five (35) feet. Religious symbols may extend above thirty five (35) feet with a conditional use permit. Existing religious symbols are exempt from these provisions.
H. Signs imitating or resembling official traffic or government signs or signals.
K. Advertising matter or sign painted, mounted or attached on a vehicle, trailer or boat, outdoor storage containers and/or waste receptacles or their enclosures which are stored, parked or displayed in a conspicuous manner intended to attract the attention for advertising purposes.
L. Any sign with exposed incandescent, metal halide or fluorescent light bulbs.
M. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights or other visible matter, including any device that employs any stereopticon, motion picture or audio projection.
N. Any sign placed in any public right of way except for signs erected by the city, county, state or other authorized government agency; or as authorized by the city council issuance of a right of way encroachment permit.
O. In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance in residential areas or a traffic hazard.
(Ord 689 § 2(part), 2007)

18.438.040 On-site signs requiring a permit.

All on-site signs permitted as accessory uses in business and industrial districts require a permit and are subject to the following regulations:

A. PROJECTION:
   1. Projection of wall signs shall not exceed two (2) feet measured from the face of the building.
2. No wall sign may project above the highest point of roof structure of the building to which it is attached.

B. SETBACK:
   1. No on-site, freestanding sign may be set nearer to the lot line adjacent to a street than the required minimum setback for the principal uses permitted in the district.
   2. No freestanding sign may be erected or placed closer than fifty (50) feet from a side or rear lot line abutting a residential district.

C. ELECTRIC CHANGEABLE COPY SIGNS:
   1. Such signs are allowed not to exceed twenty (20) square feet per face.
   2. Such lighting shall be limited to bulbs up to eleven (11) watts and equivalent neon lighting. In no event may an illuminated sign be placed or directed to cause glare or reflection that constitutes a nuisance in residential areas or a traffic hazard.
   3. All wiring, fittings, and materials used in the construction, connection, and operation of illuminated signs shall be in accordance with the state electrical code. Electronic changeable copy signs shall not be permitted in the CB-3 and CB-4 Districts.

D. HEIGHT:
   1. No freestanding sign shall exceed twenty (20) feet in height.
   2. In the CB-4 District no sign shall exceed ten (10) feet in height.
   3. In the CB-3 District no free-standing signs are permitted.

E. NUMBER OF SIGNS PERMITTED:
   1. In business and industrial districts, one (1) freestanding sign per frontage, provided such sign meets all other requirements of this title.
   2. Multiple freestanding signs on a lot shall have a minimum spacing of fifty (50) feet.
   3. In addition, up to three (3) wall signs per building frontage may be installed provided the total area does not exceed the allowable area.
   4. Where there are multiple businesses, each business shall be allowed one (1) wall sign provided the total allowable area does not exceed the other requirements in this title.

F. PERMITTED SURFACE AREA:
   1. Freestanding Signs:
      a. The total surface area of all freestanding signs on a property is limited to one hundred (100) square feet per side plus ten (10) square feet for each additional tenant in multi-tenant buildings or one (1) square feet for each five (5) feet of frontage over one hundred (100) feet. In no case shall a single face of a freestanding sign exceed one hundred and fifty (150) square feet and in no case shall the total surface area exceed three hundred (300) square feet.
      b. Each face of the sign is counted in the total surface area for free standing signs.
      c. Freestanding signs in the CB-4 District are limited to fifty (50) square feet on any one side.
      d. In the CB-3 District no freestanding signs are permitted
   2. Wall signs:
      a. Wall signs shall be permitted to cover twenty-five (25) percent of the exposed facade of the building on which they are mounted.
b. Wall signs in the CB-4 District are permitted to cover fifty (50) square feet.
c. Wall signs in the CB-2 District are permitted to cover fifty (50) square feet plus one
(1) square foot for each one (1) foot of lineal frontage in excess of fifty (50) feet.

G. PROJECTING SIGNS:
1. The sign shall be erected at right angles to the building face and be at least nine (9) feet
   above grade and shall not extend over any vehicular right-of-way.
2. The maximum area per sign face shall not exceed twenty (20) square feet plus one (1) square
   foot for every one (1) linear foot of frontage.

H. MEASUREMENT OF SIGN AREA: Sign area for the purpose of measuring total square
footage shall be measured as a total of all sign faces including multifaced signs.
1. Sign Copy With Background: Sign copy mounted, affixed or painted on a background panel
or area distinctively painted, textured or constructed as a background for the sign copy, is
measured as that area contained within the sum of the smallest rectangle(s) that will enclose
both the sign copy and the distinctive background panel or area.
2. Individual Letters: Sign copy mounted as individual letters or graphics against a wall, fascia,
mansard or parapet of a building or surface of another structure, that has not been painted,
textured or otherwise altered to provide a distinctive background for a sign copy, is measured
as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total
sign.
3. Area Calculation: Sign area for the purpose of measuring total square footage shall be
measured as a total of all sign faces including multi-faced signs

(Ord 689 § 2(part), 2007; Ord. 615 § 2(part), 1999; Ord. 523

1 This section was amended with Ordinance 710, February, 2009.

18.438.080 Permitted signs in zoning districts.

A. Permitted signs in zones CSAG-20, CSAG-10 and CSAG-5 shall be as follows:
   1. Exempt signs listed herein;
   2. One freestanding sign plus one wall sign for each place of business;
   3. One off-site sign when otherwise permitted and when located in same zoning district as
      business.

B. Permitted signs in zones CR-1, CR-2, CR-3, CR-4, and CR-5 shall be as follows:
   1. Exempt signs listed herein;
   2. One sign not exceeding six (6) square feet in area, in connection with a nonresidential
      permitted or conditionally permitted use;
   3. No sign shall exceed five (5) feet above ground elevation.

C. Permitted signs in zones CRA-1, CB-1, CB-5 shall be as follows:
D. Permitted signs in zones CB-2, CI-1, and CI-2 shall be as follows:
   1. Exempt signs listed herein;
   2. Freestanding signs;
   3. Wall signs;
   4. Projecting signs;
   5. Freestanding multiple business signs;
   6. Electronic Changeable Copy;
   7. Off-site sign; and
   8. Affiliation sign not exceeding four (4) square feet.

E. Permitted signs in zone CB-3 (Limited Business)
   1. A maximum of two (2) signs of any combination for the following signs shall be allowed; one (1) wall sign, one window sign, one (1) projecting sign, one (1) awning sign.
   2. Awning – In the CB-3 District, the sign area of the awning shall equal no more than fifty (50) square feet.
   3. Wall Signs – Signs shall have finished or framed edges.
   4. Materials – Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal which is painted, rusted or anodized, rust resistant, or otherwise treated to prevent reflective glare.
   5. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan and flex face, with the exception of those used for letters.
   6. Bright and glossy or fluorescent colors and reflective surfaces are prohibited.
   7. Internally illuminated individual letters and internally illuminated signs are prohibited in the CB-3 district. Canopies, awnings, fascia and similar structures, whether or not they contain sign copy, may not be illuminated with direct illumination.
   8. Use of neon and/or other lighting arranged around a building or other structure for the purpose of attracting attention is prohibited.
   9. Because night light pollution is a growing problem, reduction or turning off sign lighting during non-operating hours is encouraged.

F. Permitted signs in zones CB-4 (Central Business)
   1. A maximum of two (2) signs of any combination for the following signs shall be allowed; one (1) wall sign, one window sign, one (1) projecting sign, one (1) awning sign, one (1) freestanding sign.
2. Awning – In the CB-4 District, the sign area of the awning shall equal no more than fifty (50) square feet.

3. In addition to the chosen combination of signs a business may hang an "under canopy sign." Under canopy signs shall be constructed of rigid material, and shall not project more than twelve (12) inches below the canopy and shall not be less than seven and one-half (7-1/2) feet above the sidewalk or grade line. The under canopy sign shall not exceed ten (10) square feet in area of each face, and shall not have more than two (2) signage surfaces.

4. Freestanding signs are allowed only if the building has a twenty (20) feet setback.

5. One "menu" or "A-frame" sign is allowed per developed site that does not exceed six (6) square feet per side but not more than two (2) feet wide; and businesses must maintain a minimum of forty-four (44) inches of clearance around any sign located in the public sidewalk to meet ADA requirements.

6. Wall Signs – Signs shall have finished or framed edges.

7. Materials – Signs may be constructed of, but not limited to painted, stained or carved wood; brick or stone; glass; high density urethane foam; gold leaf and silver leaf; metal which is painted, rusted or anodized, rust resistant, or otherwise treated to prevent reflective glare.

8. Prohibited materials include: plexiglass, polymers, plastics, acrylic, lexan and flex face, with the exception of those used for letters.

9. Bright and glossy or fluorescent colors and reflective surfaces are prohibited.

10. Internally illuminated individual letters and internally illuminated signs are prohibited in the CB-4 district. Canopies, awnings, fascia and similar structures, whether or not they contain sign copy, may not be illuminated with direct illumination.

11. Use of neon and/or other lighting arranged around a building or other structure for the purpose of attracting attention is prohibited.

12. Because night light pollution is a growing problem, reduction or turning off sign lighting during non-operating hours is encouraged.

E. Permitted signs in the zone of CPUD shall be as follows:

1. Exempt signs listed herein, and

2. As otherwise permitted in CB-4, CB-5 or CR zones.

(Ord. 555 § 3(part), 1992; Ord. 523 §§ 1, 3(part), 1989)