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City of Columbia Falls  
130 6<sup>th</sup> Street West  
Columbia Falls, MT 59912

**RESOLUTION NO. 1763**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY ROBERT W. PERO REVOCABLE TRUST TO ALLOW FOR ONE SIX-PLEX CONDOMINIUM TO BE PLACED ON EACH OF LOTS 166 AND 167, HILLTOP HOMES SUBDIVISION, SECTION 18, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY.

WHEREAS, an Application been filed with the City by Robert W. Pero Revocable Trust to allow for one six-plex condominium to be placed on each of Lots 166 and 167, Hilltop Homes Subdivision, more commonly known as 9 and 11 Diane Road, Columbia Falls, Montana;

WHEREAS, the property is currently zoned CRA-1 Residential Apartment which allows, with conditional use pursuant to 18.332.030 in the Columbia Falls Municipal Code, the proposed six-plex condominium units;

WHEREAS, said requested conditional use permit was considered by the Columbia Falls City-County Planning Board at its regular meeting on October 10, 2017, and said Board recommended granting the proposed conditional use permit, with certain conditions; and

WHEREAS, said conditional use permit was considered by the City Council of the City of Columbia Falls, Montana, at a public hearing held during the Council's regularly scheduled meeting on Monday, November 6, 2017, pursuant to public notice as required by law, and all comments filed or voiced concerning said requested conditional use permit having been considered by the City Council, along with the recommendation of the Planning Board.

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

Section One. Findings of Fact. That the City Council specifically finds that the conditions set forth in Section 18.332.030 of the Columbia Falls Municipal Code are accurately evaluated as set forth in Conditional Use Report #CCU-17-01 of the Columbia Falls Planning Office, and the City Council hereby adopts said report as findings of fact in support of the requested conditional use permit.

Section Two. Permit Approved. That based upon the findings of Section One of this Resolution, the Application by Robert W. Pero Revocable Trust to allow for one six-plex condominium to be placed on each of Lots 166 and 167, Hilltop Homes Subdivision, more commonly known as 9 and 11 Diane Road, in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County, is hereby approved.

Section Three. Conditional Use Permit. That the conditional use permit is approved, specifically contingent upon the conditions set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section Four. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 6<sup>th</sup> DAY OF NOVEMBER, 2017, THE COUNCIL VOTING AS FOLLOWS:

AYES: Piper, Fisher, Karper, Lovering, Petersen and Barnhart

NOES: None

ABSENT: Shepard

\_\_\_\_\_  
CITY CLERK

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 6TH DAY OF NOVEMBER, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**EXHIBIT "A"**

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.