AGENDA
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, January 9, 2018 - 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 November 14, 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 HEARINGS:
The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, January 9, 2018 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 February 5th, 2018 starting at 7:00 p.m. in the same location.

   a. Conditional Use Permit – Expansion of a Casino: A request by CFalls, LLC and Yikes, Inc to expand the number of gaming machines from the twelve existing machines to 20 machines total. The building in question is located at 624 Nucleus Avenue and is the former Bandit Bar which is being remodeled into a restaurant, lounge and casino. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for a new or expanding casino. The property is described as Lots 8, 9, 12, & 13 of the Columbia Falls Original Townsite and Lot A of the Amended Plat of Lots 10 & 11 of the Columbia Falls Original Townsite. All located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

      a. Adopt Staff Report CCU-18-01 as findings of fact.
b. Approve the Conditional Use Permit

**b. Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to the SAG-5, SAG-10, and SAG-20 zoning classifications to make them more compatible with the Flathead County Zoning Regulations. In addition the text amendment will amend the definition of Guest house to now include a kitchen facility. A third amendment is at the request of the Board of Adjustments for subdivision signage. Lastly the Text amendments will look at creating accessory dwelling provisions with performance standards.

a. Adopt Staff Report CZTA-18-01 as findings of fact.

b. Approve the text amendments.

Persons may testify at the hearings or submit written comments prior to the meetings. 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.

**E. NEW BUSINESS: None**

**F. ADJOURNMENT**

**Next Meeting – Monday, January 22nd – Board Training with City Council**
MINUTES
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, November 14, 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 6:30 p.m. PRESENT: Vukonich, Shepard, Duffy, Haverfield, Hughes and Bonitz. ABSENT: Stene

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

Pledge of Allegiance

B. APPROVAL OF MINUTES: Duffy made motion to approve the Minutes of the October 10, 2017 Planning Board Meeting, 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 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, November 14th 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 November 20, 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 Columbia Mortuary for a Conditional Use Permit (CUP) to add a small 884 square foot addition to the mortuary. The addition will function as a garage and crematory. The addition is located on the south side of the existing mortuary and will access from the alley. The property is located at 1010 4th Avenue West, Columbia Falls and is described as the Amended Plat of Lots 6, 7, 8, 9, & 10; Block 6 of Hoerner Addition to Columbia Falls in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

Vukonich asked for the staff report from Planner Eric Mulcahy. Mulcahy delivered staff report CCU-17-02 stating the applicant is looking to expand the existing building by constructing a
small 884 square foot addition to provide enclosed parking and crematory area. Mulcahy reviewed the statutory criteria for review and approval. The existing Mortuary use as well as the proposed expansion falls within the CB-2 zoning. Mulcahy said the city has received 5 letters primarily opposed to the expansion with concerns of air pollution and location. Mulcahy said he researched regulations on crematories under the State of Montana, and reached out to Lucy Richards who has responded with an email that has been provided to the Board for review. DEQ will monitor air quality from the furnace. Mulcahy said there are two Crematories in Kalispell one across the street from St. Richards School and Buffalo Hills, Mulcahy said he is not aware of any public complaints.

Vukonich asked the Board if they had any questions for the planning staff. Vukonich asked if the licensing is done by the State and if they issue a license based on testing criteria. Mulcahy said they have standards that they need to comply with; they will do inspections from refrigeration to handling of the bodies as well as a complete checklist from the State of Montana, with DEQ regulating air quality. Vukonich asked if they issue standards or recommendations for close proximity to residences. Mulcahy said not to his knowledge. Hughes inquired about the air quality in the winter months. Mulcahy again stated DEQ regulates air quality. Duffy asked if the crematory is intended to be a for profit organization. Mulcahy said being a business he believed so. Duffy asked if it would be for our community only. Mulcahy replied that none of our regulations would address that issue. Shepard said a lot of the information provided this evening on mercury testing is dated. Shepard called upon a friend who is an undertaker and owns a crematorium. He said the new type of furnaces they use re-burn/recycle which eliminates a lot of pollutants that people assume is going out the stack. He noted that the EPA regulates the industry exorbitantly.

Vukonich asked the applicant for a report.

Josh Young, 300 Morning View Drive in Kalispell said he is with Downing Underground and is representing the owners of the building. Mr. Young said he has all the specifications and calculations from the EPA on mercury. This retort is a newer retort which completely incinerates waste or exhaust. The concerns with mercury are not even included in this calculation of emissions. From what Mr. Young has read there is approximately 2 lbs. of mercury per year based on 100 cremations. Mr. Young said he has worked around the retort at the Johnson Gloschat Funeral Home & Crematory in Kalispell and cannot see anything coming from the smoke stacks during cremations. Mr. Young said he talked to the Montana State Funeral Board and regulations are a lot stricter here than in other states. Young said he is unsure what is involved with annual inspections. Hughes asked if this was a used unit. Young replied yes, it is currently used in Whitefish. Young said he has the manufacturer specifications on the unit; it is not a discontinued unit.

Troy Knutson resides at 312 Whispering Meadows Trail, Kalispell. He has been a licensed Mortician for over 22 years and in the business for over 26 years and has managed crematories the entire time. As far as the annual inspections they are done by the state. They look at record keeping and cleanliness of the facility. Duffy asked if the pollution control receiver actually gathered the heavy metals. Mr. Knutson said there is not a filter on the crematory specifically but there are 3 chambers. This specific crematory is called a warm bed crematory which means it has
an after burner where the smoke goes through an 1800 degree flame that burns smoke along with two other chambers. Hughes asked where they are currently operating, Mr. Knutson said yes, right now they are located in Whitefish on property leased from Don K in Whitefish and are looking to get a new facility. Haverfield asked if they have been doing cremations for Columbia Falls’ residents in Whitefish. Knutson replied that is correct. Shepard asked how many cremations you have per year in Whitefish. Knutson said about 115 per year.

Chairman Vukonich opened the Public Hearing at 7:06 p.m.

Jan Price, 522 9th Street West, is part owner of JJS. Ms. Price asked how often the emission inspections are done and where they are posted. It sounds like they are simplifying Whitefish and bringing it to Columbia Falls. To the west of the mortuary is Honey Bear School which is right next door to the mortuary. If this burns so clean and has no emissions why is there a chimney? Ms. Price has a lot of questions on the regulated inspections.

Crystal Hutchisson, 1019 5th Ave. West, owns the Honey Bear Montessori School and has grave concerns on the crematory with emissions and toxins. Julie Merkle from the state said even with past inspections they can have up to a certain point of toxins and still pass. If you check into mercury and children there can still be health issues. There aren’t any schools around Austin Funeral Home unlike here in Columbia Falls, thus making their situation different. Hutchisson believes this could be bad for her business, wondering who would want to bring their child to a school next door to a crematory. Ms. Hutchisson asked if there has been a risk assessment analysis. Mulcahy said not to his knowledge.

Rebecca Powell, 1329 6th Ave. West said her child goes to the Honey Bear School. Ms. Powell said her concern is the location to the school and city park.

Pat Cattelino, 1335 5th Ave. W. said he did a 5 minute google search and there was enough information to make him hesitate in supporting the crematory. With the location of the crematory and the school and City pool, the debate comes down to emissions. We should know exactly how it is regulated, who is doing the testing and how often. Mr. Cattelino believes more information is needed on the crematory before it is approved.

Julie King, 1412 4th Ave W. said she just got a notice on her door on Friday. As a resident she would like to see more information provided before moving forward. If the research proves to be safe you would have more support. She would like to see hours of operation and if there is noise involved.

Mr. Knutson said hours of operation are Monday through Friday 9 am - 5 pm. We would do approximately 7 cremations every couple weeks. The machines are not loud machines; Buffalo Hills and Johnson Crematory’s are across the street from schools and have not had complaints. People are often fearful of crematories and they won’t even know it is there. With a new garage you won’t see the remains come in as it provides more privacy.
Michele Whitaker, 1239 4th Ave W. believes as the community grows there is not adequate parking at the current location; they are parking on the bike path now. If the business is going to grow Ms. Whitaker does not think it has adequate parking.

Vukonich closed the public hearing at 7:27 pm.

City Attorney Breck referenced code 24.147.1101 Crematory Operation Standards; noting the City has to look at these facilities to comply with all local, state and federal laws and rules pertaining to the operation of a crematory, and maintain for inspection permits relating to business, zoning, building codes, fire codes, air quality and water quality.

Duffy motioned to not approve Staff Report CCU-17-02 as written, second by Hughes with the Board voting as follows. AYES: Shepard, Duffy, Hughes. NOES: Haverfield, Bonitz and Vukonich. ABSENT: Stene.

Duffy said there are a couple of issues with criteria on page 5 section III. The last sentence does not have anything to do with this particular site. Mulcahy said we can strike bogs, rip-tides and black holes. Duffy would like to see the last sentence on page 7 section IVI. Mulcahy agreed to strike the last sentence. On page 7 section IV remove the last sentence.

Shepard made motion to approve the modified Staff Report CCU-17-02 as discussed, second by Hughes with the Board voting as follows. AYES: Haverfield, Duffy, Bonitz, Hughes, Shepard and Vukonich. NOES: None. ABSENT: Stene.

Vukonich asked who the board is that requires permitting and licensing. Mulcahy said it is a board approved by State Labor Board for Funeral Homes. Mulcahy said when they refer to local regulations they are referring to our zoning regulations. Vukonich said he does not like the idea of a crematory next door to a school. Shepard said Kalispell would have shut Johnson down years ago due to the school right across the street if there were health concerns; this has been looked at by cities other than us.

Shepard made motion to approve the Conditional Use Permit with modifications to the findings as discussed, second by Duffy with the Board voting as follows. AYES: Duffy, Bonitz, Shepard, Haverfield. NOES: Hughes and Vukonich. ABSENT: Stene.

E. ADJOURNMENT:
Haverfield motioned to adjourn seconded by Shepard, meeting adjourned at 8:03 p.m.

__________________________________________
Chairman

__________________________________________
City Clerk
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, January 9, 2018 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 February 5th, 2018 starting at 7:00 p.m. in the same location.

Conditional Use Permit – Expansion of a Casino: A request by CFalls, LLC and Yikes, Inc to expand the number of gaming machines from the twelve existing machines to 20 machines total. The building in question is located at 624 Nucleus Avenue and is the former Bandit Bar which is being remodeled into a restaurant, lounge and casino. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for a new or expanding casino. The property is described as Lots 8, 9, 12, & 13 of the Columbia Falls Original Townsite and Lot A of the Amended Plat of Lots 10 & 11 of the Columbia Falls Original Townsite. All located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment): A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to the SAG-5, SAG-10, and SAG-20 zoning classifications to make them more compatible with the Flathead County Zoning Regulations. In addition the text amendment will amend the definition of Guest house to now include a kitchen facility. A third amendment is at the request of the Board of Adjustments for subdivision signage. Lastly the Text amendments will look at creating accessory dwelling provisions with performance standards.

Columbia Falls Subdivision Regulations – Title 17 (Zoning Text Amendment): A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Subdivision Regulations (Title 17 of the Columbia Falls Municipal Code). The City proposes changes to 17.12.020 (Phasing of Plats).

Persons may testify at the hearings or submit written comments prior to the meetings. 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 18 day of December, 2017.

Susan Nicosia
Susan Nicosia, City Manager/Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
Publish: Daily Interlake: December 24, 2017
STATE OF MONTANA
FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH being duly
sworn, deposes and says: that she is the legal
ercler 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. 25022

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 December 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.

Subscribed and sworn to
Before me this December 24, 2017

Mary Booth

Dorothy I. Gleenross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2021
A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a conditional use permit request to expand the casino at 624 Nucleus Avenue (Formerly the Bandit Bar and Casino). The Conditional Use request is scheduled for a public hearing before the Planning Board on Tuesday, January 9, 2018 at 6:30 PM and Columbia Falls City Council on Monday, February 5, 2018 at 7:00 p.m.

BACKGROUND INFORMATION

A. PETITIONERS
CFalls, LLC
829 Highland Dr.
Whitefish, MT 59937

B. PETITIONER’S TECHNICAL ASSISTANCE
Frampton-Purdy Law Firm
Attn: Ryan Purdy
530 W. 19th, Suite 301
Whitefish, MT 59937

C. LOCATION/DESCRIPTION
Columbia Falls Original Townsite
Block: 44 Lots: 8, N5’ of Lot 9, S20’ of Lot 9, 12, 13 and Lot A of the Amended Plat of Lots 10 and 11 of Block 44 of Columbia Falls Original Townsite
Section: 8 Township: 30N Range: 20W
Address: 624 Nucleus Avenue, Columbia Falls, MT 59912

D. REQUEST
The applicants are petitioning for a Conditional Use Permit to expand an existing casino from 12 gaming machines to a maximum of 20 gaming machines.

E. NATURE OF THE REQUEST
The State of Montana ties Casinos and Liquor Licenses together by only allowing gaming machines if one purchases a liquor license. The result is casinos like Lucky Lils buy up many of the liquor licenses which drive the price upwards of ¾ of a million dollars. This in effect forces restaurants and taverns to install gaming machines in order to pay the inflated price of the liquor license. The maximum number of gaming machines in any establishment is 20 machines as set by State Statute.
F. **EXISTING LAND USE**
The location of the casino is the former location of the Bandit Bar and Casino. New owners recently purchased the bar and casino and are in the process of remodeling the space to include a restaurant.

G. **ADJACENT ZONING AND LAND USE:**
The property is located within the CB-4 (Central Business) zone which is the downtown area along Nucleus. There are businesses located to the north, east and south of the subject property. To the west is Three Rivers EMS and the Columbia Falls Fire Hall.

![Source Flathead County GIS Subject Parcels are outlined in red](image)

H. **GROWTH POLICY DESIGNATION:**
Growth Policy designates this area as commercial which is supported by the zoning. The Growth Policy strongly encourages redevelopment and private investment in the downtown area. The proposed restaurant, bar and casino will fit with the long term goals of the Columbia Falls Growth Policy.
I. UTILITIES/SERVICES:

Sewer: City Sewer is existing
Water: City Water is existing
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: The applicant has provided a floor plan of the building which shows a walled off area for the gaming machines. The proposed siting gives consideration to those dining in the establishment by limiting the noise and distraction that is often accompanied by the gaming machines. Otherwise the applicants are remodeling an existing space in a downtown zone that encourages zero setbacks along the street side of the building.

ii) Adequate Access: Primary access is by Nucleus Avenue or 7th Street West.

Parking Lots: There are no off-street parking standards for the CB-4 zone as it would cause half the historic buildings to be torn down in the downtown. There is some parking behind the building off of the alley. Most guest/client parking occurs on the street.

Pedestrian Access: The downtown is a pedestrian oriented neighborhood. The buildings hugging the wide sidewalks along Nucleus Avenue encourage the public to interact with the building by either window shopping or entering one of the establishments. The wide sidewalks provide a safe environment for pedestrians and awnings keep the walks snow free. The on-street parking shelters the pedestrians from vehicle traffic moving up and down Nucleus. The proposed use is very compatible with walkable downtowns.

iii) Absence of Environmental Constraints: As the development is already served by public sewer and water, there does not appear to be any significant environmental constraints. The lots are flat and there does not appear to be any danger of flooding or slumping.
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: Off-Street parking is not required in the CB-4 zoning district.
ii) Traffic Circulation: The existing/proposed use is located on Nucleus Avenue which is the main street for downtown as well as a State Secondary Highway (486) that leads north to the North Fork/Glacier Park and South to connect to Highway 2 East.
iii) Open Space: The project is an interior remodel primarily, including the casino area. There are no open space requirements for the CB-4 zone, remodels, or Casino CUP’s in the Columbia Falls Zoning Ordinance.
iv) Fencing/Screening: The casino is interior of the building so fencing does not apply. The applicant is enclosing and separating the casino portion of the business with walls and doors from that of the restaurant and bar area.
v) Landscaping: There are no landscaping requirements for the casino expansion as it occurs only in the interior of the existing building.
vi) Signage: Signage would conform to existing Columbia Falls sign regulations for the CB-4 zone. At present we have not seen a sign package for the change in business. We anticipate that a sign permit application will come later this spring or early summer as the remodel comes closer to finish.

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: The proposed addition of eight gaming machines to the existing casino will not impact the school population or existing services. The bar and casino is not located along any safe route to school corridors.

ii) Parks and Recreation: The remodel and small addition to the existing casino will not impact existing or future park facilities.

iii) Police: The Columbia Falls Police Department provides protection and security to all residents and businesses in the City of Columbia Falls. The bar/restaurant/casino is located a half block from the Columbia Falls Police Department. Response times are excellent to the business.

iv) Fire Protection: The Columbia Falls Fire Department provides fire protection to this neighborhood. The Columbia Falls Building Inspector will review the development/remodel for all building and fire code requirements. The Columbia Falls Fire Department is also a half block from the existing business and will also have excellent response times.

v) Water: City water service is in place.

vi) Sewer: City Sewer currently serves the site.
vii) Solid Waste: The applicant will contract for solid waste collection at the site. However the addition of eight gaming machines to the existing 12 machines, the new restaurant, and the existing bar will hardly add any refuse to the solid waste stream.

d. Immediate Neighborhood Impact. The proposed casino expansion fits the neighborhood. The downtown area is where our planning documents encourage restaurant, drinking and gaming establishments. The business blends with and supports neighboring businesses.

e. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   i) Excessive Traffic Generation: Eight new gaming machines will not create excessive traffic. The use is located on a secondary highway and collector street that is designed to support commercial, retail, and services industries.
   ii) Noise or Vibration: There will be no noise or vibrations beyond the walls of the casino. The applicant is designing the facility to separate it from shared interior uses as well as exterior uses.
   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: Typical of bars and casinos with closing as late as 2:00 am on weekends.
   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.

APPLICABLE REGULATIONS
The following sections of the Columbia Falls Zoning Regulations are applicable to this proposal:
Chapter 18.210 Conditional Use Permits
Chapter 18.338 CB-4 Central Business
Chapter 18.438 Signs

SUMMARY
The Conditional Use Request is for a Casino expansion that would add eight gaming machines to the existing twelve machines. 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 expansion is an interior use that has no bearing on the exterior of the building, including parking, open space, landscaping etc.
2. There are no environmental constraints on the property.
3. The property is located on Nucleus Avenue in the CB-4 Central Business District that encourages pedestrian oriented uses such as bars and restaurants. These are uses that support neighboring retail, service and restaurant uses.

4. The expansion will not impact local services or infrastructure.

**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. The casino is limited to 20 gaming machines consistent with State Law.
3. The casino will comply with all State and Local regulations.
4. The applicant shall secure a sign permit from the City of Columbia Falls prior to installing any signage. Signage shall comply with the City’s Sign Regulations.
5. 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 $________

PROPOSED USE: Addition of 8 gambling machines to 12 existing at [Bar Name]

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

OWNER(S) OF RECORD:
Name: [Company Name]
Mailing Address: 829 Highland Dr., 9
City/State/Zip: Whitefish, MT 59937 Phone: ________

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:
Name: Ryan Purdy
Mailing Address: 530 W. 19th
City/State/Zip: Whitefish, MT 59937 Phone: 962-9600

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):
Street Address: 621 Nucleus Tract
Block: 44 Lot: 12
Subdivision Name: Columbia Falls
Section: 8 Township: 30N Range: 20W

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: C-4

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

07/2016
d. Size(s) and location(s) of existing buildings.
3. Existing use(s) of structures and open areas.
4. Proposed use(s) of structures and open areas.

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.

   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.

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 ____________________________ Date 11/14/17

07/2016
2. F. Bar/Patio Dining
   G. Same + Summer Music Periodically

3. J. Anticipate Hours of Operation to be
   10 am → 11 am. Reduced Hours After Summer.
December 18, 2017

Re: Public hearing notice for a Conditional Use Permit (CUP) of an expansion of gaming machines at 624 Nucleus Ave.

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 CFalls, LLC and Yikes, Inc to expand the number of gaming machines from the twelve existing machines to 20 machines total. The building in question is located at 624 Nucleus Avenue and is the former Bandit Bar which is being remodeled into a restaurant, lounge and casino. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for new or expanding casinos.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday January 4, 2018 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comments may be provided up to 5:00 pm on the day of the hearing, it will just be passed out at the hearing. You are also invited to present verbal or written testimony during the public hearing on January 9, 2018.

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, January 9, 2018 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 February 5th, 2018 starting at 7:00 p.m. in the same location.

**Conditional Use Permit – Expansion of a Casino:** A request by CFalls, LLC and Yikes, Inc to expand the number of gaming machines from the twelve existing machines to 20 machines total. The building in question is located at 624 Nucleus Avenue and is the former Bandit Bar which is being remodeled into a restaurant, lounge and casino. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for new or expanding casinos. The property is described as Lots 8, 9, 12, & 13 of the Columbia Falls Original Townsite and Lot A of the Amended Plat of Lots 10 & 11 of the Columbia Falls Original Townsite. All located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to the SAG-5, SAG-10, and SAG-20 zoning classifications to make them more compatible with the Flathead County Zoning Regulations. In addition the text amendment will amend the definition of Guest house to now include a kitchen facility. A third amendment is at the request of the Board of Adjustments for subdivision signage. Lastly the Text amendments will look at creating accessory dwelling provisions with performance standards.

**Columbia Falls Subdivision Regulations – Title 17 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Subdivision Regulations (Title 17 of the Columbia Falls Municipal Code). The City proposes changes to 17.12.020 (Phasing of Plats).

Persons may testify at the hearings or submit written comments prior to the meetings. 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.
ZONE TEXT AMENDMENT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CZTA-18-01
January 3, 2018

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 text of the Columbia Falls Zoning Ordinance. The City proposes changes to Chapters 18.317 (SAG-20), 18.318 (SAG-10) and 189.320 (SAG-5). Additional changes are proposed to Definition 18.616.060 Guest House, signage for subdivision identification sign Chapter 18.438.020, and lastly looking at the potential for accessory dwellings in residential zones. The zone text request is scheduled for hearing before the Planning Board on January 9, 2018 at 6:30 pm. The City Council meeting is scheduled for February 5th, 2018, at 7:00 p.m.

A. PETITIONERS
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

B. PETITIONER’S TECHNICAL ASSISTANCE
Columbia Falls Planning Staff
130 6th Street West
Columbia Falls, MT 59901

D. REQUEST
The request is to amend text in various sections of the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The Text Amendments include addressing SAG zones for consistency with Flathead County SAG zones, sign regulations for subdivision entrance signage, definitions of a guest house to include kitchens, and accessory apartments in residential zones. Deletions are shown with strikethroughs and additions are shown with underlines and highlighting.

Changes proposed by City Staff are addressed below.

Chapter 18.317 CSAG-20 AGRICULTURE

18.317.010 Definition.
A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment; including, but not limited to, residential development.
(Ord. 523 § 1(part), 1989)

18.317.020 Permitted uses.
The permitted uses within the CSAG-20 district are as follows:
A. Accessory building or use;
B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
C. Automobile parking in conjunction with permitted uses;
D. Class A manufactured homes;
E. Dairy farm;
F. Dairy products processing, bottling, and distribution;
G. Dwelling, single-family;
H. Guest house;
I. Fish hatcheries;
J. Home occupations (see Chapter 18.40);
K. Kennels, commercial;
L. Livestock;
M. Nursery, landscape materials;
N. Parks;
O. Produce stands;
P. Public transportation shelter stations;
Q. Public utility service installations;
R. Riding academy, rodeo arena;
S. Stables, Public and private.
(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

18.317.030 Conditional uses.

The conditional uses within the CSAG-20 district are as follows:

A. Animal hospital, veterinary clinic;
B. Bed and Breakfast Establishments;
C. Cemetery, mausoleum, columbarium, crematory;
D. Church and other places of worship;
E. Communication tower or mast;
F. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
G. Electrical distribution station;
H. Extractive industries;
I. Family hardship dwelling;
J. Feed and seed processing and cleaning;
K. Feed lots: cattle, swine, poultry;
L. Home occupations (see Chapter 18.40);
M. Landfills, sanitary for disposal of garbage and trash;
N. Microwave relay station;
O. Orphanage and charitable institutions;
P. Radio and television broadcasting stations and masts;
Q. Retirement home;
R. Schools, public or private elementary, junior high, and senior high;
S. Temporary buildings or structures;
T. Water treatment plants;
U. Water storage facilities.
(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

18.317.040 Bulk and dimensional requirements.

The bulk and dimensional requirements for the CSAG-20 district are as follows:

A. Minimum lot area: twenty (20) acres;
B. Minimum lot width: NA;
C. Minimum yard requirements:
   A. Front: thirty (30) feet;
   B. Side: twenty (20) feet;
C. Side corner: thirty (30) feet;
D. Rear: twenty (20) feet;
D. Maximum height: NA;
E. Permitted lot coverage: twenty (20) percent;
F. Maximum fence height: NA;
(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE

18.318.010 Definition.
A district to protect and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized.
(Ord. 523 § 1(part), 1989)

18.318.020 Permitted uses.
The permitted uses in the CSAG-10 district are as follows:
A. Accessory building or use;
B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
C. Automobile parking in conjunction with permitted uses;
D. Class A manufactured homes;
E. Dairy farm;
F. Dairy products processing, bottling, and distribution;
G. Dwelling, single-family;
H. Guest house;
I. Home occupations (see Special Provisions 18.400);
J. Kennels, commercial;
K. Nursery, landscaping materials;
L. Parks;
M. Produce stands;
N. Public transportation shelter stations;
O. Public utility service installations;
P. Riding academy, rodeo arena;
Q. Stables, public and private.
(Ord. 523 § 1(part), 1989)

18.318.030 Conditional uses.
The conditional uses allowed in the CSAG-10 district are as follows:
A. Animal hospital, veterinary clinics;
B. Bed and breakfast establishments;
C. Cemeteries, mausoleums, columbariums, crematories;
D. Churches and other places of worship;
E. Dwellings, family hardship;
F. Electrical distribution station;
G. Extractive industries;
H. Family hardship dwelling;
I. Golf course;
J. Home occupations (see Special Provisions 18.400);
K. Kennels, commercial;
L. Orphanage and charitable institutions;
M. Retirement home;
N. Schools, public or private elementary, junior high, and senior high;
O. Swimming pools and beaches, public or semiprivate;
P. Temporary buildings or structures;
Q. Water treatment plants;
R. Water storage facilities.
(Ord. 523 § 1(part), 1989)

18.318.040 Bulk and dimensional requirements.

The bulk and dimensional requirements for the CSAG-10 district are as follows:
A. Minimum lot area: ten (10) acres;
B. Minimum lot width: NA;
C. Minimum yard requirements;
   A. Front: thirty (30) feet;
   B. Side: twenty (20) feet each;
   C. Side corner: thirty (30) feet;
   D. Rear: twenty (20) feet;
D. Maximum height: NA;
E. Permitted lot coverage: twenty (20) percent;
F. Maximum fence height: NA;
(Ord. 523 § 1(part), 1989)

Chapter 18.320 CSAG-5 SUBURBAN AGRICULTURAL

18.320.010 Definition.

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.
(Ord. 559 § 2(part), 1993)

18.320.020 Permitted uses.

The permitted uses in the CSAG-5 district are as follows:
A. Agricultural/horticultural/silvicultural uses;
B. Class A manufactured homes;
C. Day care homes;
D. Dwellings, single family;
E. Guest house;
F. Home occupations (See conditional use criteria Chapter 18.400);
G. Kennels, commercial;
H. Livestock;
I. Nursery, landscaping materials;
J. Parks and publicly owned recreational facilities;
K. Produce stands;
L. Public transportation shelter stations;
M. Public utility service installations.
N. Stable, private.
(Ord. 559 § 2(part), 1993)
18.320.030 Conditional uses.

The conditional uses in the CSAG-5 district are as follows:

A. Animal hospitals, veterinary clinics;
B. Bed and breakfast establishments;
C. Cemeteries, mausoleums, columbariums, crematoriums;
D. Churches and other places of worship;
E. Community center buildings, gymnasiums, swimming pools, beaches and other similar activities operated by a public agency, neighborhood or homeowners association;
F. Community residential facilities;
G. Dwellings, cluster development;
H. Dwellings, family hardship;
I. Electrical distribution stations;
J. Extractive industries;
K. Golf courses;
L. Golf driving ranges;
M. Kennels, commercial;
N. Recreational facilities;
O. Retirement homes;
P. Riding academy, rodeo arena;
Q. Schools, primary and secondary;
R. Temporary buildings or structures;
S. Water and sewage treatment plants;
T. Water storage facilities.

(Ord. 559 § 2(part), 1993)

18.320.040 Bulk and dimensional requirements.

The bulk and dimensional requirements in the CSAG-5 district are as follows:

A. Minimum lot area: five (5) acres;
B. Minimum lot width: No parcel or lot width shall be less than one-third its average length, unless the average lots width is 300 feet or greater;
C. Minimum yard requirements:
   A. Front: twenty (20) feet,
   B. Side: twenty (20) feet each,
   C. Side corner: twenty (20) feet,
   D. Rear: twenty (20) feet;
D. Maximum height: thirty-five (35) feet;
E. Permitted lot coverage (residential uses): twenty-five (25) percent;
F. Maximum fence height (residential uses):
   A. Front: three (3) feet,
   B. Side: six (6) feet,
   C. Rear: six (6) feet;

(Ord. 559 § 2(part), 1993)

18.616.060 Guest house.

"Guest house" means a detached structure being an accessory to a one-family dwelling with not more than two bedrooms, having no and may include kitchen facilities, and which shall be used and/or designed for use primarily by guests, and or servants for sleeping quarters only.

(Ord. 523 § 1(part), 1989)
**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.

H. 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)

I. **One subdivision sign per street entrance on streets with different names not exceeding twenty four (24) square feet per face nor exceeding six feet in height. The subdivision may have multiple signs at the entrance provided the total square footage does not exceed twenty four square feet. Fences or landscape features, such as rock or log features, do not count against the square footage when the signage on such structures.**

Add Accessory Apartment to following the “R-1, R-2, R-3, R-4” Conditional Use Permit Categories.

**18.411 ACCESSORY APARTMENT**

**18.411.010 Accessory Apartment Conditional Use Permit Standards**
A. An accessory apartment is limited to 600 square feet. The accessory apartment may be located within the primary residence such as attic or basement. If an accessory apartment is located in a detached garage or stand-alone structure, it shall be located rear of the front of the house.

B. Lots or parcels where accessory apartments are proposed shall be compliant with minimum lots sizes and the accessory apartment shall meet setbacks for accessory structures. Only one accessory apartment is allowed per lot of record.

C. Accessory Apartments shall be rented for a period of not less than one month.

D. One off-street parking space must be provided for the accessory apartment in addition to the parking required for the primary dwelling, in accordance with the parking and loading provision of this title.

E. REASON FOR REQUEST
SAG-20, SAG-10, and SAG-5
Twenty years ago the City and County SAG zones closely resembled each other as the Boards governing the City’s extra-territorial zoning jurisdiction and the County’s zoning jurisdiction had developed very similar land use policy. Over the years, the County amended its regulations while the City did not. At this point there is confusion over land use policy in the jurisdiction around Columbia Falls. It is the intent of this series of text amendments to bring the City’s code more in line with the County’s Code.

Guest House Definition
The current definition of “Guest House” precludes kitchen facilities within the unit. This has caused numerous enforcement issues for the city and has caused confusion for a number of residents in the SAG zones which are all outside of the City’s building code jurisdiction. By allowing kitchens in guest houses as the County regulations do, we hope to reduce the enforcement issues.

Subdivision Identification Signs
The City Planning/Zoning office recently processed a variance for a subdivision identification sign. The Board of Adjustment requested that the City consider amending the exempt signage section to provide for subdivision signs and clarify the definition of sign area for these signs.

Accessory Residential Units in Residential Zones
The City of Columbia Falls has fielded numerous calls from citizens wanting the ability to create an accessory apartment in the City. Other jurisdictions such as Whitefish and Flathead County have added provisions for either an accessory apartment (Whitefish) or accessory dwelling unit (Flathead County). These uses are also common in many places within the Mountain West. This residential product also creates an affordable housing option for a segment of the population and as such, planning staff is putting this forward for discussion.
EVALUATION BASED ON STATUTORY CRITERIA

The following findings are made:

1. **Does the requested zone give consideration to the general policy and growth pattern set out in the Growth Policy?**
   Chapter 12 of the Columbia Falls Growth Policy addresses implementation strategies to further the adopted goals and policies of the document. Zoning is identified as a legal tool to regulate compatibility of use such as the transition between commercial and residential; density of development primarily using minimum lot sizes, bulk/dimensional standard to protect view sheds but also address signage, parking, landscaping, and floodplain.

   The proposed text amendments primarily address changes and inconsistencies that have come to light through the administration of the zoning code.

   The proposed changes meet the intent of zoning as identified in the Columbia Falls Growth Policy and as none of the changes are site specific, they do not impact the Growth Policy Map.

2. **Is the requested zone designed to lessen congestion in the streets?**
   The proposed changes to the zoning ordinance focus on zoning inconsistencies and provisions that provide greater flexibility to the residents of the Columbia Falls Planning Jurisdiction. None of the proposed changes are site specific which would impact congestion. Accessory apartments have the ability to increase density but as the units are limited to 600 square feet they are intended for single persons or a couple.

3. **Will the requested zone secure safety from fire, panic, and other dangers?**
   The proposed text amendments do not increase the risk of fire, panic or other dangers.

4. **Will the requested change promote the health and general welfare?**
   The proposed zone text amendments continue to promote the health and general welfare of the community.

5. **Will the requested zone provide for adequate light and air?**
   The proposed text amendments do not change the setback or the maximum lot coverage requirements of the Columbia Falls Zoning Code.

6. **Will the requested zone prevent the overcrowding of land?**
   The accessory apartment provision does have the ability to increase density in residential neighborhoods. Parking is a required element of the accessory use which should help with the appearance of overcrowding. The maximum unit size should also limit the actual number of persons in the apartment.

7. **Will the requested zone avoid undue concentration of people?**
   A side effect of high concentrations of people is that housing and unit costs tend to increase as witnessed in high amenity communities around the Mountain West. One way to decrease these concentrations of people and add some relief to the housing market is to provide an avenue to increase unit numbers through infill. Accessory
Apartments can help stabilize rents for certain unit types and these units also help provide a rental income to those families struggling to make house payments.

8. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
The proposed text amendments do not change the provisions for transportation, water, sewerage, schools, parks, or other public requirements. Only the accessory apartment provision would add any impact on these services and as they are proposed to utilize the CUP process the impacts can be monitored and the code amended if true impacts emerge.

9. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses.**
The proposed text amendments are not site specific.

10. **Does the requested zone give reasonable consideration to the character of the district and is the consideration weighted equally for both historical uses and established use patterns, and recent change-in-use trends without giving consideration one to the exclusion of the other?**
As stated previously, the proposed text amendments are not site specific and generally reflect the overall performance of the Zoning Code. Although the accessory apartment provision may alter some historic residential patterns, the units are reviewed through the CUP process and are subject to a set of performance standards that are intended to preserve neighborhood character.

11. **Will the new zoning affect property values and does it have a view of conserving the value of buildings.**
Most of the proposed changes will not affect property values. The SAG changes are mostly proposed to align the City's Code with the County's Code. This is also true of the guest house definition amendment. The subdivision signage amendment has absolutely no impacts on property value. The accessory apartment could increase property value of the parcel proposing one of the units. However this should not have a negative effect on the property values of the neighboring properties.

12. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**
The Text Amendments focus on zoning inconsistencies and addressing a use that has become popular in recent years (accessory apartment/guesthouses). The proposed accessory apartment is intended, by definition, to be accessory to a primary residential structure. In places where these apartments have been allowed, such as Whitefish, most people do not even know that the accessory apartment is in place as it has such a small footprint and impact.

**SUMMARY**

The request is to amend the text in various sections of the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The Text Amendments include addressing SAG inconsistency, Guest House definition, subdivision sign provisions, and accessory apartment provisions. None of the proposed text amendments are site specific and none of the amendments negatively impact the review criteria.
RECOMMENDATION

Staff recommends that the Columbia Falls City – County Planning Board adopt Columbia Falls Planning Office Staff Report #CZTA-18-01 as findings of fact and recommend approval of the requested Zoning Text Amendments. The deletions are indicated by strike-out and the new language is indicated by underline and highlighting.

Chapter 18.317 CSAG-20 AGRICULTURE

18.317.010 Definition.
A district to protect and preserve agricultural land for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment; including, but not limited to, residential development.
(Ord. 523 § 1(part), 1989)

18.317.020 Permitted uses.
The permitted uses within the CSAG-20 district are as follows:
A. Accessory building or use;
B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
C. Automobile parking in conjunction with permitted uses;
D. Class A manufactured homes;
E. Dairy farm;
F. Dairy products processing, bottling, and distribution;
G. Dwelling, single-family;
H. Guest house;
I. Fish hatcheries;
J. Home occupations (see Chapter 18.400);
K. Kennels, commercial;
L. Livestock;
M. Nursery, landscape materials;
N. Parks;
O. Produce stands;
P. Public transportation shelter stations;
Q. Public utility service installations;
R. Riding academy, rodeo arena;
S. Stables, Public and private.
(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

18.317.030 Conditional uses.
The conditional uses within the CSAG-20 district are as follows:
A. Animal hospital, veterinary clinic;
B. Bed and Breakfast Establishments;
C. Cemetery, mausoleum, columbarium, crematory;
D. Church and other places of worship;
E. Communication tower or mast;
F. Community center building, gymnasium, swimming pool, beach, and other similar activities operated by a public agency, neighborhood or homeowners association;
G. Electrical distribution station;
H. Extractive industries;
I. Family hardship dwelling;
J. Feed and seed processing and cleaning;
K. Feed lots: cattle, swine, poultry;
L. Home occupations (see Chapter 18.40);
M. Landfills, sanitary for disposal of garbage and trash;
N. Microwave relay station;
O. Orphanage and charitable institutions;
P. Radio and television broadcasting stations and masts;
Q. Retirement home;
R. Schools, public or private elementary, junior high, and senior high;
S. Temporary buildings or structures;
T. Water treatment plants;
U. Water storage facilities.

(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

18.317.040 Bulk and dimensional requirements.

The bulk and dimensional requirements for the CSAG-20 district are as follows:
A. Minimum lot area: twenty (20) acres;
B. Minimum lot width: NA;
C. Minimum yard requirements:
   1. Front: thirty (30) feet;
   2. Side: twenty (20) feet;
   3. Side corner: thirty (30) feet;
   4. Rear: twenty (20) feet;
D. Maximum height: NA;
E. Permitted lot coverage: twenty (20) percent;
F. Maximum fence height: NA;

(Ord. 648 § 2(part), 2003; Ord. 523 § 1(part), 1989)

Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE

18.318.010 Definition.

A district to protect and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized.

(Ord. 523 § 1(part), 1989)

18.318.20 Permitted uses.

The permitted uses in the CSAG-10 district are as follows:
A. Accessory building or use;
B. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
C. Automobile parking in conjunction with permitted uses;
D. **Class A manufactured homes**;
E. Dairy farm;
F. Dairy products processing, bottling, and distribution;
G. Dwelling, single-family;
H. Guest house
I. **Home occupations (see Special Provisions 18.400)**;
J. **Kennels, commercial**;
K. **Nursery, landscaping materials**;
L. Parks;
M. **Produce stands**;
N. Public transportation shelter stations;
O. Public utility service installations;
P. **Riding academy, rodeo arena**;
Q. Stables, **public and private**.

*(Ord. 523 § 1(part), 1989)*

18.318.030 **Conditional uses.**

The conditional uses allowed in the CSAG-10 district are as follows:

A. Animal hospital;
B. **Bed and breakfast establishments**;
C. Cemeteries, mausoleums, columbariums, crematories;
D. Churches and other places of worship;
E. **Dwellings, family hardship**;
F. Electrical distribution station;
G. Extractive industries;
H. Family hardship dwelling;
I. **Golf course**;
J. **Home occupations (see Special Provisions 18.400)**;
K. **Kennels, commercial**;
L. Orphanage and charitable institutions;
M. Retirement home;
N. Schools, public or private elementary, junior high, and senior high;
O. Swimming pools and beaches, public or semiprivate;
P. Temporary buildings or structures;
Q. Water treatment plants;
R. Water storage facilities.

*(Ord. 523 § 1(part), 1989)*

18.318.040 **Bulk and dimensional requirements.**

The bulk and dimensional requirements for the CSAG-10 district are as follows:

A. Minimum lot area: ten (10) acres;
B. Minimum lot width: NA;
C. Minimum yard requirements;
   1. Front: thirty (30) feet;
   2. Side: twenty (20) feet each;
   3. Side corner: thirty (30) feet;
   4. Rear: twenty (20) feet;
Chapter 18.320 CSAG-5 SUBURBAN AGRICULTURAL

18.320.010 Definition.

A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

(Ord. 559 § 2(part), 1993)

18.320.020 Permitted uses.

The permitted uses in the CSAG-5 district are as follows:

A. Agricultural/horticultural/silvicultural uses;
B. Class A manufactured homes;
C. Day care homes;
D. Dwellings, single family;
E. Guest house;
F. Home occupations (See conditional use criteria Chapter 18.400);
G. Kennels, commercial;
H. Livestock;
I. Nursery, landscaping materials;
J. Parks and publicly owned recreational facilities;
K. Produce stands;
L. Public transportation shelter stations;
M. Public utility service installations.
N. Stable, private

(Ord. 559 § 2(part), 1993)

18.320.030 Conditional uses.

The conditional uses in the CSAG-5 district are as follows:

A. Animal hospitals, veterinary clinics;
B. Bed and breakfast establishments;
C. Cemeteries, mausoleums, columbariums, crematoriums;
D. Churches and other places of worship;
E. Community center buildings, gymnasiums, swimming pools, beaches and other similar activities operated by a public agency, neighborhood or homeowners association;
F. Community residential facilities;
G. Dwellings, cluster development;
H. Dwellings, family hardship;
I. Electrical distribution stations;
J. Extractive industries;
K. Golf courses;
L. Golf driving ranges;
M. Kennels, commercial;
N. Recreational facilities;
O. Retirement homes;
P. Riding academy, rodeo arena;  
Q. Schools, primary and secondary;  
R. Temporary buildings or structures;  
S. Water and sewage treatment plants;  
T. Water storage facilities.  
(Ord. 559 § 2(part), 1993)

18.320.040 Bulk and dimensional requirements.  
The bulk and dimensional requirements in the CSAG-5 district are as follows:  
A. Minimum lot area: five (5) acres;  
B. Minimum lot width: No parcel or lot width shall be less than one-third its average length, unless the average lots width is 300 feet or greater. (330 feet)  
C. Minimum yard requirements:  
   1. Front: twenty (20) feet,  
   2. Side: twenty (20) feet each,  
   3. Side corner: twenty (20) feet,  
   4. Rear: twenty (20) feet;  
D. Maximum height: thirty-five (35) feet;  
E. Permitted lot coverage (residential uses): twenty-five (25) percent;  
F. Maximum fence height (residential uses):  
   1. Front: three (3) feet,  
   2. Side: six (6) feet,  
   3. Rear: six (6) feet;  
(Ord. 559 § 2(part), 1993)

18.616.060 Guest house.  
"Guest house" means a detached structure being an accessory to a one-family dwelling with not more than two bedrooms, having no and may include kitchen facilities, and which shall be used and/or designed for use primarily by guests. and or servants for sleeping quarters only.  
(Ord. 523 § 1(part), 1989)

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.

T. 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)

U. **One subdivision sign per entrance on streets with different names not exceeding twenty four (24) square feet per face nor exceeding six feet in height. The subdivision may have multiple signs at the entrance provided the total square footage does not exceed twenty four square feet. Fences or landscape features, such as rock or log features, do not count against the square footage when the signage on such structures.**

**Add Accessory Apartment to following the “R-1, R-2, R-3, R-4” Conditional Use Permit Categories.**

**18.411 ACCESSORY APARTMENT**

**18.411.010 Accessory Apartment Conditional Use Permit Standards**

A. An accessory apartment is limited to 600 square feet. The accessory apartment may be located within the primary residence such as attic or basement. If an accessory apartment is located in a detached garage or stand-alone structure, it shall be located rear of the front of the house.

B. Lots or parcels where accessory apartments are proposed shall be compliant with minimum lots sizes and the accessory apartment shall meet setbacks for accessory structures. Only one accessory apartment is allowed per lot of record.

C. Accessory Apartments shall be rented for a period of not less than one month.

D. One off-street parking space must be provided for the accessory apartment in addition to the parking required for the primary dwelling, in accordance with the parking and loading provision of this title.