AGENDA
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, March 13, 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 January 9, 2018 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:
   *A. Planned Unit Development Expiration – Columbia Range PUD:  The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.
      a. Adopt Staff Report CPUD-18-01 as findings of fact
      b. Approve the Zone Change (PUD expiration)

   *B. Planned Unit Development Expiration – River Highlands PUD:  The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.
a. Adopt Staff Report CPUD-18-02 as findings of fact
b. Approve the Zone Change (PUD expiration)

*C. Planned Unit Development Expiration – Grace Ann PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

a. Adopt Staff Report CPUD-18-03 as findings of fact
b. Approve the Zone Change (PUD expiration)

*D. Planned Unit Development Expiration – Glacier Estates PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

a. Adopt Staff Report CPUD-18-04 as findings of fact
b. Approve the Zone Change (PUD expiration)

*E. Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I) (c) and 17.12.060(J) (3) approval periods and extension process for major and minor subdivisions.

a. Adopt Staff Report CSTA-18-01 as findings of fact
b. Approve text amendment
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:
   a. Growth Policy Schedule discussion

F. ADJOURNMENT

Next Meeting – TBD
CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:30 p.m. PRESENT: Vukonich, Shepard, Hughes, Duffy, Stene, and Bonitz. ABSENT: None

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

Pledge of Allegiance

APPROVAL OF MINUTES: Shepard motioned to approve the minutes of the November 14, 2017 regular Board Meeting, second by Duffy and the motion carried.

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

PUBLIC HEARINGS:

Chairman Vukonich read the hearing notice and asked for a staff report presentation:

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 the 20-machine maximum. 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.

City Planner Mulcahy presented staff report CCU-18-01. Mulcahy said the applicant has recently purchased the former Bandit Bar and is looking to expand his gaming machines from twelve to the maximum of twenty allowed by MT DOR. The conditional use request was published in the
newspaper and letters sent to the adjoining neighbors; no verbal or written comments received. Staff recommends Board approval with the 5 said conditions.

Duffy asked the owner about the current status of the liquor license. Pat Carloss, 829 Highland Drive Whitefish, said they are not changing the existing liquor license that was purchased with the business. Nicosia reported that the applicant was grandfathered for the current twelve machines permitted by DOR but due to the 2007 conditional use requirement, they had to apply for the conditional use permit to expand to the twenty allowed with the state liquor license.

Pat Carloss said this was his first time owning gaming machines and was advised that if they can have the maximum machines they will generate more money to help cover the cost of the liquor license. Mr. Carloss said the gaming machines will be in the back area and sectioned off from the rest of the restaurant. Duffy asked the owner what is his intended overall flavor of the place. Mr. Carloss said they will be advertising as a family friendly pub. Carloss said the casino will be set up similar to Vaquero’s with a separation of the machines from the bar and dining room.

With no public comment, Chairman Vukonich opened and closed the Public Hearing at 6:46 p.m.

Shepard motioned to adopt Staff Report CCU-18-01 as findings of fact, Motion seconded by Stene. Motion carried with voting as follows: AYES: Vukonich, Shepard, Duffy, Stene, Bonitz, Hughes. NOES: None. ABSENT: None.

Shepard motioned to approve the Conditional Use Permit, Hughes seconded the motion; motion carried with the Board voting as follows. AYES: Vukonich, Shepard, Duffy, Stene, Bonitz, Hughes. NOES: None. ABSENT: None.

Chairman Vukonich read the hearing notice and asked for a staff report presentation:

**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 a 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.

City Planner Mulcahy presented staff report CZTA-18-01. Mulcahy said that the proposed text amendments are basically housekeeping of the zoning regulations. Mulcahy said staff has received numerous calls about accessory apartments and guest house requirements. Staff is recommending changing the guest house definition to allow for a kitchen area; similar to the Flathead County regulations. Mulcahy noted that adding the accessory apartments as a conditional use is the most significant change in the zoning text. Mulcahy reviewed the recommended changes for the SAG categories to bring the permitted and conditional uses in line with Flathead County regulations.

Vukonich asked if the text amendments to SAG 5, 10 and 20 are only outside of the city limits. Mulcahy said Columbia Falls has a lot of SAG property within the planning/zoning jurisdiction.
with the majority outside of the City limits but there is some within the City limits. Mulcahy said that the text amendments to the permitted and conditional uses in the SAG zones will bring them in line with the county text. Shepard asked how many guest houses have been built. Mulcahy said there have been a few but the current regulations do not allow a kitchen; the Flathead County regulations allow a kitchen creating an enforcement issue for the City. Stene asked about kennels as a use. Mulcahy said it is currently a permitted use, we are just bringing text in line with the county. Stene asked how often the Board looks at text amendments. Mulcahy said it is as needed.

Duffy suggested the duplicate language be removed in the SAG text. Duffy said he would like to hear how many units can be on a lot. Mulcahy said the proposed text amendment allows one Accessory Apartment per lot. Additionally lot coverage and setback requirements must be met. Shepard asked if the accessory apartment is basically what the county has in place and what challenges have the county had since putting the accessory dwellings in place. Mulcahy said staff reviewed the other entities text and recommended text that prevented some of the issues that have arisen from their implementation. Mulcahy noted that at one time the zoning codes in the 3 cities and county were very similar, especially during the time FRDO was in operation; but over time the other entities made changes while Columbia Falls did not make the same changes.

Vukonich said it has been about 2 years since short-term rentals were passed, how has that gone for the city? Nicosia said it has not been an issue; we have good compliance with people coming in to inquire on what it takes to have a VRBO. Stene asked what the revenue was for the city on the short-term rentals. Nicosia said it is a $75 fee for the application.

With no one wishing to comment, Vukonich opened and closed the public hearing at 7:20 p.m.

Motion was made by Shepard to adopt Staff Report CZTA-18-01 as findings of fact with the noted duplication corrections, second by Stene. Motion carried with voting as follows: AYES: Vukonich, Shepard, Duffy, Stene, Bonitz, Hughes. NOES: None. ABSENT: None.

Duffy motioned to approve the text amendments with noted corrections, second by Shepard, motion carried with the board voting as follows. AYES: Vukonich, Shepard, Duffy, Stene, Bonitz, Hughes. NOES: None. ABSENT: None.

NEW BUSINESS:
Vukonich inquired where we were on Board vacancies. Nicosia said we have one city vacancy, one county vacancy and one at large vacancy. We will continue to advertise for the Board openings.

Nicosia introduced Alex Vissotzky as the new Public Works Clerk. Nicosia said he has a degree in GIS Planning and will be working primarily in Public Works, Planning and Building.

Nicosia reminded the Board of the joint meeting with Council on Monday, January 22, 2018 at 6:30 p.m.

OLD BUSINESS:
None.
ADJOURNMENT:
Motion by Stene and second by Shepard to adjourn at 7:29 PM

__________________________________________
Chairman

__________________________________________
City Clerk
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, March 13, 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 April 2, 2018 starting at 7:00 p.m. in the same location.

**Planned Unit Development Expiration – Columbia Range PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – River Highlands PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Grace Ann PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Glacier Estates PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.
Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I) (c) and 17.12.060(J) (3) approval periods and extension process for major and minor subdivisions.

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 15th day of February, 2018.

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

Publish: Daily Interlake: February 25, 2018
STATE OF MONTANA
FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH being duly sworn, deposes and says: That she is the legal clerk of the Daily Inter Lake, a daily newspaper of general circulation, printed and published in the city of Kalispell, in the county of Flathead, state of Montana, and that No. 25144

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 FEBRUARY 25, 2018

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

Mary Booth

Subscribed and sworn to
Before me this February 25, 2018

Dorothy I. Glencross

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

[Notary Seal]
A report to the Columbia Falls City-County Planning Board and the Columbia Falls City Council regarding a request by the City of Columbia Falls to remove the expired Planned Unit Development (PUD) overlay for Columbia Range. This matter is scheduled for the Columbia Falls City-County Planning Board on March 13, 2018 and a subsequent hearing with the City Council on April 2, 2018.

**BACKGROUND INFORMATION**

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

B. **OWNERS:**
   Columbia Falls Investments LLC  
   Rick Gross  
   3015 NW Meldrum CT  
   Bend, OR 97701
   
   Riscell E Hill  
   PO Box 2744  
   Columbia Falls, MT  59912
   
   Paul K Mathis  
   PO Box 9281  
   Kalispell, MT  59904
   
   William & Andrea Brunz  
   531 Windy Acres Rd  
   Columbia Falls, MT  59912
   
   Northwestern Energy – T&D  
   3010 W 69th St  
   Sioux Falls, SD 57108

C. **LOCATION/DESCRIPTION**
   The project site is located approximately 1/5th of a mile east of the Flathead River Bridge on Highway 2. It fronts Highway 2 for about 1,400 linear feet along the north side and is in close proximity to the intersection of Rogers Road and
Highway 206 in the southeast corner. It consists of Tract No: 2, 2E, 2C, 3B and 3BE in the NE¼ of section 16, T30N, R20W, Flathead County.

The site is approximately 72 acres in size; being about 1,350 feet east-to-west and about 2,600 feet north-to-south. The site has an increasing elevation from north to south of about 85 feet; the lowest point being about elevation 3005, adjacent to Highway 2, and the highest being elevation 3090, adjacent to Rogers Road in the southeast corner.

D. **REQUEST**
   The City requests to remove the expired Planned Unit Development Overlay from the City’s zoning map.

   The City approved the Columbia Range PUD with Ordinance 681 on December 4, 2006 and preliminary plat with Resolution 1472. On November 17, 2008, City Council approved a request for a one year extension. Given the approved extension, the preliminary plat and PUD expired in December 2009.

E. **REASON FOR REQUEST**
   The owners of the property have made no requests for another extension and have provided no evidence that they have worked to meet the conditions of the PUD such as getting approval from the City and MDEQ for the required sewer, water, stormwater, and street extensions.

   By removing the PUD, the property will revert back to the underlying CR-3 zoning. This allows a new owner(s) or developer(s) to propose a new project for the site that may or may not utilize the PUD overlay process.

F. **HISTORY**
   In 2006 the City approved the Columbia Range PUD and zone change to CR-3 (Ordinance 681). The accompanying preliminary plat created 146 residential lots on the 72 acre parcel with Resolution 1472. An extension was given on November 17, 2008. The PUD expired in December 2009.

   In 2008 and 2009 the Flathead Valley experienced the Great Recession, the collapse of the housing market, and a significant price correction. Many of these developments around the Flathead Valley and the Country stalled and expired.

G. **EXISTING LAND USE**
   The land is mostly open space and is occupied with two residential units in the northeast corner. It possesses areas in the northwest that have characteristics of marsh lands, open grass land on three benches and ridge areas populated with mature conifer trees. The southern part of the property is now CSAG-5 zoning.

H. **ADJACENT ZONING AND LAND USE:**
   The project area is immediately adjacent to other open space areas that appear to support hobby farm/ranch operations, several dwellings, a commercial water slide recreation area, the MDOT maintenance compound and a rental storage facility.
Adjacent zoning is shown below:

**North:** CSAG-10, Suburban Agricultural, One home per 10 acres. This land appears still in agricultural use, the closest portions appear hobby operations. North east about 3/5th of a mile is Columbia Heights, an unincorporated town.

**South:** This area is now CSAG-5. Unzoned south of Rogers Road. The southeast area is a transitional area adjacent to the highway, and is partially owned by the State Highway Department and contains a maintenance facility; other close commercial operations include a storage facility. A power line and natural gas pipeline cross the property along Rogers Road. Zoned SAG 10 in the southwest; two residences occupy a parcel of about six acres.

**East:** Zoned SAG 10. Has a single residence on about 50 acres. The southern 1/3 is a reclaimed gravel mine. Also adjacent, across this neighboring piece, is a large commercial recreation facility that abuts both Highway 2 and 206. That vicinity, across Highway 206 in an unzoned area; located there is a heavy industry area occupied by a timber processing plant on about 60 acres.

**West:** Zoned SAG 5 and CR-3. Range land; no dwelling units in the immediate vicinity of the project site; however, a suburban residential neighborhood is located approximately 2,500 feet to the west southwest at the intersection of River Road and Columbia Stage. Only a small portion is zoned to the density found therein. Densities of a similar nature are located west, across the Flathead River. The City of Columbia Falls is within about 8/10th mile. River Highlands PUD is located west of Columbia Range PUD and is also expired and being removed as a PUD simultaneously.

### I. GROWTH POLICY DESIGNATION

The December 2005 Growth Policy Land Use Map shows this general area as urban residential. This is described as an area intended for a developed density of 2-8 residential units per acre; primary use is recommended as single family mixed with limited duplex and multifamily housing.
anticipated. The Growth Policy states that development in this land use category should be fully served by public services including sewer and water.

J. UTILITIES/SERVICES
If the property is developed as proposed in the PUD, the density permitted would require the extension of services from the City of Columbia Falls. Such extension requires an agreement to waive protest to annexation. If the land is developed, then it will be served by the City. If not developed, the property would continue without city services, as shown below.

Water: Private  
Sewer: Private  
Fire Protection: Columbia Falls Rural Fire Department  
Police Protection: Flathead County Sheriff's Office  
Street Maintenance: Flathead County Road Dept./Private  
Electricity: Flathead Electric  
Natural Gas: Northwest Energy

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 as well as Chapter 18.33, Planned Unit Development Standards, of the Columbia Falls Area Zoning Ordinance. The following findings are made:

1. Conformity to the PUD criteria as required in Columbia Falls Zoning Ordinance Section 18.348.040.
   The section is no longer applicable as the request by the City is to formally remove the expired PUD.

2. Does the requested zone comply with the Growth Policy?
   With the removal of the PUD overall, the property will revert back to the underlying CR-3 zoning designation.

3. Is the requested zone designed to lessen congestion in the streets?
   Not applicable.

4. Will the requested zone secure safety from fire, panic, and other dangers?
   The site could be subject to flooding or wild fire, but building to floodplain standards, appropriate access, roadway developments, and fire hydrants would minimize these concerns. Removal of the PUD will not change these facts.

5. Will the requested change promote the health and general welfare?
   The surrounding area is rural residential. The property is not within City limits. Removal of the PUD will not change these facts.

6. Will the requested zone provide for adequate light and air?
   Removal of the PUD will revert the property back to the underlying CR-3. The zoning classifications have setback, lot coverage, and height restrictions to ensure light and air. Any future project will be subject to the City zoning standards and review criteria.
7. **Will the requested zone prevent the overcrowding of land?**
   Removal of the expired PUD will neither prevent nor promote overcrowding of the land. This request provides a formal action to a project that is already expired.

8. **Will the requested zone avoid undue concentration of people?**
   Removal of the expired PUD will neither avoid nor create an undue concentration of people on the land. This request provides a formal action to a project that is already expired.

9. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
   The site is outside of Columbia Falls' city limits and municipal sewer and water service have not been extended to the site. Any developer would be required to upgrade existing infrastructure in the area so that the proposed improvements do not burden or compromise existing systems. The action of removing this PUD does not change these facts.

10. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

11. **Does the requested zone give reasonable consideration to the character of the district?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

12. **Will the new zoning affect property values?**
   Removal of the expired PUD does not affect property values as the project was already expired. This request provides a formal action to remove the expired PUD from the zoning map.

13. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**SUMMARY**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**RECOMMENDATION**
Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CPUD-18-01 as findings of fact and approve the Map amendment removing the expired PUD overlay.
February 16, 2018

Re: Public hearing notice for a Planned Unit Development (PUD) Expiration of the Columbia Range Development.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed rezone to remove the expired Planned Unit Development overlay on the project formerly known as Columbia Range Development.

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 the City of Columbia Falls to remove the expired PUD overlay from the zoning map and revert it the underlying zoning of CR-3 and SAG-5. There is no development proposal for this project with this request. The property is located off of Hwy 2 and Rogers Road:

If you have question 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 Tuesday March 7, 2018 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment 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 March 13, 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, March 13, 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 April 2, 2018 starting at 7:00 p.m. in the same location.

**Planned Unit Development Expiration – Columbia Range PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – River Highlands PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Grace Ann PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Glacier Estates PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I)(C); and 17.12.060(J)(3) approval periods and extension process for major and minor subdivisions.

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 15th day of February, 2018.

**Susan Nicosia**

Susan Nicosia, City Manager/Planning and Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
PLANNED UNIT DEVELOPMENT (PUD) REMOVAL
RIVER HIGHLANDS
CITY OF COLUMBIA FALLS STAFF REPORT # CPUD-18-02
March 5, 2018

A report to the Columbia Falls City-County Planning Board and the Columbia Falls City Council regarding a request by the City of Columbia Falls to remove the expired Planned Unit Development (PUD) overlay for River Highlands. This matter is scheduled for the Columbia Falls City-County Planning Board on March 13, 2018 and a subsequent hearing with the City Council on April 2, 2018.

BACKGROUND INFORMATION

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

B. OWNER
Avibree Real Estate Holdings, LLC
3704 59th St SW
Seattle, WA 98116

C. LOCATION/DESCRIPTION
The project site is located approximately .5 miles south east from the eastern city limits of Columbia Falls and immediately south east and adjacent to the Highway 2 Flathead River bridge. It is the majority area of what is commonly referred to as Loeffler Ridge.

The site is approximately 48.5 acres in size. It consists of five parcels; four of the parcels have portions separated by the River Road easement.

The project borders the Flathead River along the north west side of the site. The majority of the site consists of a flat terrain, outside the adjacent 100-year floodplain and without sensitive areas and hazards. Portions of the site along the northwest side are within the floodplain, possess steep slopes, river frontage and forested areas.
D. REQUEST
The City requests to remove the expired Planned Unit Development Overlay from the City’s zoning map.

The City approved the River Highlands PUD with Ordinance 706 on October 6, 2008. The PUD expired in October of 2010. No extension was sought.

E. REASON FOR REQUEST
The owner of the property has made no requests for extensions and has provided no evidence that they have worked to meet the conditions of the PUD such as getting approval from the City and MDEQ for the required sewer, water, stormwater, and street extensions.

By removing the PUD, the property will revert back to the underlying CR-3 zoning. This allows a new owner or developer to propose a new project for the site that may or may not utilize the PUD overlay process.

F. HISTORY
The Planned Unit Development (PUD) overlay on the property originally zoned CR-3 (One-Family Residential) allowed for the construction of about 146 units on about 30 acres, or about 4.8 units per acre, and other improvements, was approved October 6, 2008. It expired in October 2010.

In 2008 and 2009 the Flathead Valley experienced the Great Recession, the collapse of the housing market, and a significant price correction. Many of these developments around the Flathead Valley and the Country stalled and expired.

G. EXISTING LAND USE
The subject property appears to be used to produce grass hay and has no habitable structures.

H. ADJACENT ZONING AND LAND USE:
North: Is the Flathead River and US HWY 2.

South: Zoned CSAG-5, Suburban Agriculture, Single Family.

East: About 600 feet east from the eastern border there’s about 72 acres of land zoned CR-3 with a PUD overlay; this area bears a preliminary plat titled Columbia Range, also expiring at the time of the Staff Report CPUD-18-02.

West: Zoned CSAG-10, Suburban Agricultural, Single Family.
Most of the land adjacent is residential lots ranging in size up from one half acre to 40 acres. Principle use of most lots is single family residential; larger parcels produce hay and have some grazing.

**H. GROWTH POLICY DESIGNATION**
The December 2005 Growth Policy Land Use Map designates the project area and land adjacent to the north and east as Urban Residential. Land to the south west is designated as Suburban Residential.

**I. UTILITIES/SERVICES**
If the property is developed as proposed in the PUD, the density permitted would require the extension of services from the City of Columbia Falls. Such extension requires an agreement to waive protest to annexation. If the land is developed, then it will be served by the City. If not developed, the property would continue without city services, as shown below.

- **Water:** Private
- **Sewer:** Private
- **Fire Protection:** Columbia Falls Rural Fire Department
- **Police Protection:** Flathead County Sheriff’s Office
- **Street Maintenance:** Flathead County Road Dept./Private
- **Electricity:** Flathead Electric
- **Natural Gas:** Northwest Energy

**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 as well as Chapter 18.33, Planned Unit Development Standards, of the Columbia Falls Area Zoning Ordinance. The following findings are made:
1. **Conformity to the PUD criteria as required in Columbia Falls Zoning Ordinance Section 18.348.040.**
   The section is no longer applicable as the request by the City is to formally remove the expired PUD

2. **Does the requested zone comply with the Growth Policy?**
   With the removal of the PUD overall, the property will revert back to the underlying CR-3 zoning designation.

3. **Is the requested zone designed to lessen congestion in the streets?**
   Not Applicable.

4. **Will the requested zone secure safety from fire, panic, and other dangers?**
   The site could be subject to flooding or wild fire, but building to floodplain standards, appropriate access, roadway developments, and fire hydrants would minimize these concerns. Removal of the PUD will not change these facts.

5. **Will the requested change promote the health and general welfare?**
   The surrounding area is rural residential. The property is not within City limits. Removal of the PUD will not change these facts.

6. **Will the requested zone provide for adequate light and air?**
   Removal of the PUD will revert the property back to the underlying CR-3. The zoning classifications have setback, lot coverage, and height restrictions to ensure light and air. Any future project will be subject to the City zoning standards and review criteria.

7. **Will the requested zone prevent the overcrowding of land?**
   Removal of the expired PUD will neither prevent nor promote overcrowding of the land. This request provides a formal action to a project that is already expired.

8. **Will the requested zone avoid undue concentration of people?**
   Removal of the expired PUD will neither avoid nor create an undue concentration of people on the land. This request provides a formal action to a project that is already expired.

9. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
   The site is outside of Columbia Falls’ city limits, and municipal sewer and water services have not been extended to the site. Any developer would be required to upgrade existing infrastructure in the area so that the proposed improvements do not burden or compromise existing systems. The action of removing this PUD does not change these facts.
10. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

11. **Does the requested zone give reasonable consideration to the character of the district?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

12. **Will the new zoning affect property values?**
   Removal of the expired PUD does not affect property values as the project was already expired. This request provides a formal action to remove the expired PUD from the zoning map.

13. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**
   Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**SUMMARY**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**RECOMMENDATION**
Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CPUD-18-02 as findings of fact and approve the Map amendment removing the expired PUD overlay.
February 16, 2018

Re: Public hearing notice for a Planned Unit Development (PUD) Expiration of the River Highlands Development.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed rezone to remove the expired Planned Unit Development overlay on the project formerly known as River Highlands Development.

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 the City of Columbia Falls to remove the expired PUD overlay from the zoning map and revert it the underlying zoning of CR-3. There is no development proposal for this property with this request. The property is located off of River Road and Hwy 2:

If you have question 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 Tuesday March 7, 2018 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment 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 March 13, 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, March 13, 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 April 2, 2018 starting at 7:00 p.m. in the same location.

Planned Unit Development Expiration – Columbia Range PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – River Highlands PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – Grace Ann PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – Glacier Estates PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I)(C); and 17.12.060(J) (3) approval periods and extension process for major and minor subdivisions.
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 15th day of February, 2018.

Susan Nicosia
Susan Nicosia, City Manager/Planning and Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
A report to the Columbia Falls City-County Planning Board and the Columbia Falls City Council regarding a request by the City of Columbia Falls to remove the expired Planned Unit Development overlay (PUD) for Grace Ann. This matter is scheduled for the Columbia Falls City-County Planning Board on March 13, 2018 and a subsequent hearing with the City Council on April 2, 2018.

BACKGROUND INFORMATION

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

B. **OWNER**
   Ski Dog Land Development LLC  
   414 S Colorado  
   Conrad, MT 59425

C. **LOCATION/DESCRIPTION**
   The property is located immediately south of the intersection of 3rd Ave. West and Talbot Road and west of the “Old Red Bridge.” Tract 5AA and 5 AC, Section 17, T30N, R20W, Flathead County, MT.

D. **REQUEST**
   The City requests removal of the expired Planned Unit Development Overlay from the City’s zoning map.

   The City placed Condition #18 of the PUD that reads the following: “The applicant has 3 years to construct this project. Prior to the end of the 3 year period, if the project is not completed, the applicant may request a 1-year administrative extension of the
project. At the end of the approval time, if the applicant cannot demonstrate that the project activity has commenced, the project approval shall sunset. Project activity can be demonstrated by continuous good faith effort to secure financing and require permits and ongoing preparation of engineering and design plans.

The City approved the Grace Ann PUD with Ordinance 682 on January 16, 2007. Given condition #18, the PUD expired in January of 2010.

E. REASON FOR REQUEST
The owner of the property has made no requests for extensions and has provided no evidence that they have worked to meet the conditions of the PUD such as getting approval from the City and MDEQ for the required sewer, water, stormwater, and street extensions.

By removing the PUD, the property will revert back to the underlying CRA-1 and CR-4 zoning. This allows a new owner or developer to propose a new project for the site that may or may not utilize the PUD overlay process.

F. HISTORY
The Planned Unit Development (PUD) overlay is on property originally zoned as CRA-1 and CR-4 to allow the construction of 16 dwelling units within four separate buildings and other improvements was approved with Ordinance 682. The lot is 2.07 acres. The PUD was approved by Ordinance 682 on January 16, 2007. It expired in January 2010.

In 2008 and 2009 the Flathead Valley experienced the Great Recession, the collapse of the housing market, and a significant price correction. Many of these developments around the Flathead Valley and the Country stalled and expired.

G. EXISTING LAND USE
Currently the land is open space. The tracts were created from a larger tract to the west now titled Peaceful River Subdivision.

H. ADJACENT ZONING AND LAND USE:


South: Across the river is zoned CSAG-10, Suburban Agriculture, Single Family.

East: Flathead River


Land uses on all sides are currently residential. There is a tract about 600 feet to the west which had been an agriculture use, but was platted to residential lots.
I. GROWTH POLICY DESIGNATION

The December 2005 Columbia Falls Growth Policy designates the area in question as Urban Residential defined as an area of 2-8 residences per acre fully served by all municipal services. The project is residential in nature and is proposed at a gross density of ten units per acre. The project is within the Talbot Neighborhood plan.

J. UTILITIES/SERVICES

The property is within the City limits of Columbia Falls, and will be served by City services.

<table>
<thead>
<tr>
<th>Service</th>
<th>Supplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>City of Columbia Falls</td>
</tr>
<tr>
<td>Sewer</td>
<td>City of Columbia Falls</td>
</tr>
<tr>
<td>Fire Protection</td>
<td>Columbia Falls Volunteer Fire Department</td>
</tr>
<tr>
<td>Police Protection</td>
<td>City of Columbia Falls</td>
</tr>
<tr>
<td>Electricity</td>
<td>Flathead Electric</td>
</tr>
<tr>
<td>Heating Fuel</td>
<td>Northwest Energy</td>
</tr>
</tbody>
</table>
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 as well as Chapter 18.33, Planned Unit Development Standards, of the Columbia Falls Area Zoning Ordinance. The following findings are made:

1. **Conformity to the PUD criteria as required in Columbia Falls Zoning Ordinance Section 18.348.040.**
   
   The section is no longer applicable as the request by the City is to formally remove the expired PUD.

2. **Does the requested zone comply with the Growth Policy?**
   
   With the removal of the PUD overall, the property will revert back to the underlying CRA-1 and CR-4 zoning designations.

3. **Is the requested zone designed to lessen congestion in the streets?**
   
   The property is adjacent to City Streets and infrastructure, removing the PUD and keeping the CRA-1 and CR-4 will fit with the urban nature of the City.

4. **Will the requested zone secure safety from fire, panic, and other dangers?**
   
   Adequate fire access can be provided and requires fire hydrants to serve any new development. The site could be subject to flooding or wild fire, but building to floodplain standards, requiring appropriate access and fire hydrants should minimize these concerns. Removal of the PUD will not change these facts.

5. **Will the requested change promote the health and general welfare?**
   
   The area is still surrounded by residential use on three sides and the river on the remaining side. Removal of the PUD will have no effect on the health and general welfare of the area.

6. **Will the requested zone provide for adequate light and air?**
   
   Removal of the PUD will revert the property back to the underlying CRA-1 and CR-4. The zoning classifications have setback, lot coverage, and height restrictions to ensure light and air. Any future project will be subject to the City zoning standards and review criteria.

7. **Will the requested zone prevent the overcrowding of land?**
   
   Removal of the expired PUD will neither prevent nor promote overcrowding of the land. This request provides a formal action to a project that is already expired.

8. **Will the requested zone avoid undue concentration of people?**
   
   Removal of the expired PUD will neither avoid nor create an undue concentration of people on the land. This request provides a formal action to a project that is already expired.

9. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
   
   The site is within the Columbia Falls city limits, and municipal sewer and water service will be extended to the site. Any developer would be required to upgrade existing infrastructure in the area so that the proposed improvements do not burden or compromise existing systems. The action of removing this PUD does not change these facts.
10. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

11. **Does the requested zone give reasonable consideration to the character of the district?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

12. **Will the new zoning affect property values?**
Removal of the expired PUD does not affect property values as the project was already expired. This request provides a formal action to remove the expired PUD from the zoning map.

13. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**SUMMARY**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**RECOMMENDATION**
Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CPUD-18-03 as findings of fact and approve the Map amendment removing the expired PUD overlay.
February 16, 2018

Re: Public hearing notice for a Planned Unit Development (PUD) Expiration of the Grace Ann Development.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed rezone to remove the expired Planned Unit Development overlay on the project formerly known as Grace Ann Development.

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 the City of Columbia Falls to remove the expired PUD overlay from the zoning map and revert it the underlying zoning of CR-4 and CRA-1. There is no development proposal for this property with this request. The property is located off of Red Bridge Road:

If you have question 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 Tuesday March 7, 2018 or by email: stalandb@cityofcolumbiafalls.com. Written or emailed comment 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 March 13, 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, March 13, 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 April 2, 2018 starting at 7:00 p.m. in the same location.

**Planned Unit Development Expiration – Columbia Range PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – River Highlands PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Grace Ann PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Planned Unit Development Expiration – Glacier Estates PUD:** The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I)(C); and 17.12.060(J)(3) approval periods and extension process for major and minor subdivisions.
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 15th day of February, 2018.

**Susan Nicosia**

Susan Nicosia, City Manager/Planning and Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
PLANNED UNIT DEVELOPMENT (PUD) REMOVAL
GLACIER ESTATES
CITY OF COLUMBIA FALLS STAFF REPORT # CPUD-18-04

March 2, 2018

A report to the Columbia Falls City-County Planning Board and the Columbia Falls City Council regarding a request by the City of Columbia Falls to remove the expired Planned Unit Development (PUD) overlay for Glacier Estates. This matter is scheduled for the Columbia Falls City-County Planning Board on March 13, 2018 and a subsequent hearing with the City Council on April 2, 2018.

BACKGROUND INFORMATION

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

B. OWNER
   John Vallings
   Box 20, Site 5, BR 2
   Okotoks, AB
   T1S 1A2 Canada

C. LOCATION/DESCRIPTION
   The property is located at 104 and 105 Bills Lane and is described as Lots 3 and 4, Williams Estates Subdivision and a portion of COS No. 5285 located in Section 16, T30N, R20W, Flathead County, MT. The 14.4 acre site is just off of Highway 2.

D. REQUEST
   The City requests to remove the expired Planned Unit Development Overlay from the City’s zoning map.

   The City placed Condition #17 of the PUD that reads the following: “The project may be built in phases, but the first phase must complete within two years of the PUD approval date and contain four inhabitable buildings and complementary appurtenances including sufficient infrastructure to provide water, sewer, fire hydrants and two access points. All other construction must be complete within five years of the PUD approval date.”
The City approved the Glacier Estates PUD with Ordinance 673 concurrently with Preliminary Plat approval with Resolution # 1435 in April and March 2006. The PUD was later amended by Ordinance 698 on January 1, 2008. Given condition #17, the PUD expired in January of 2010.

E. REASON FOR REQUEST

The owner of the property has made no requests for extensions and has provided no evidence that they have worked to meet the conditions of the PUD such as getting approval from the City and MDEQ for the required sewer, water, stormwater, and street extensions.

By removing the PUD, the property will revert back to the underlying CR-3 zoning. This allows a new owner or developer to propose a new project for the site that may or may not utilize the PUD overlay process.

F. HISTORY

In 2006 the city approved the Glacier Estate PUD to allow 22 duplex townhouse units (44 units) and in 2008 amended the PUD to allow 11 buildings providing 100 apartments (multifamily). The PUD and preliminary plat expired in January 2010.

In 2008 and 2009 the Flathead Valley experienced the Great Recession, the collapse of the housing market, and a significant price correction. Many of these developments around the Flathead Valley and the Country stalled and expired.

G. EXISTING LAND USE

The subject property is currently unoccupied.

H. ADJACENT ZONING AND LAND USE:

The neighborhood is a mix of business uses, single-family homes and duplex homes on a variety of lot sizes.

North: CSAG-10, Suburban Agricultural, One home per 10 acres. Much of this area is also within the Designated Flood Plain and can not be further subdivided. The City has recently established a regional river front park less than 1,000 feet to the north. Extremely minor hobby grazing may exist on the adjacent tract.

South: CB-2, General Business. This area is a transitional area adjacent to the highway, and is occupied by a State Highway Department storm water management area and a single family dwelling unit.
East: CR-3, Single-family residential. This is an older, established single family neighborhood with a rural feel: lots are partially wooded, roads are not paved, and sidewalks do not exit. Many lots are not developed to the CR-3 density, possibly due to the lack of public sewer and the need for additional land area for drain fields.

West: CR-5, Two-family residential. A subdivision along the north side of Bills Lane, containing ten units, each on a sublot of approximately 3,400 square feet. The average density is 8.6 units per acre. CB-2, General Business. On the south side of Bills Lane is an undeveloped piece of CB-2 property.

I. GROWTH POLICY DESIGNATION
The December 2005 Growth Policy Land Use Map currently shows this general area as urban residential, intended for a developed density of 2-8 residential units per acre, with the primary use being single family and limited duplex and multifamily housing anticipated. The Growth Policy states that development in this land use category should be fully served by public services including sewer and water.

J. UTILITIES/SERVICES
The property is within the City limits of Columbia Falls, and will be served by City services when developed.
Water: City of Columbia Falls
Sewer: City of Columbia Falls
Fire Protection: Columbia Falls Volunteer Fire Department
Police Protection: City of Columbia Falls
Electric: Flathead Electric Cooperative
Gas: Northwest Energy
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 as well as Chapter 18.33, Planned Unit Development Standards, of the Columbia Falls Area Zoning Ordinance. The following findings are made:

1. **Conformity to the PUD criteria as required in Columbia Falls Zoning Ordinance Section 18.348.040.**
   
   The section is no longer applicable as the request by the City is to formally remove the expired PUD.

2. **Does the requested zone comply with the Growth Policy?**
   
   With the removal of the PUD overall, the property will revert back to the underlying CR-3 zoning designation.

3. **Is the requested zone designed to lessen congestion in the streets?**
   
   The property is adjacent to City Streets and infrastructure, removing the PUD and keeping the CR-3 will fit with the urban nature of the City.

4. **Will the requested zone secure safety from fire, panic, and other dangers?**
   
   Adequate fire access can be provided and requires fire hydrants to serve any new development. The site could be subject to flooding or wild fire, but building to floodplain standards, requiring adequate roadways and fire hydrants should minimize these concerns. Removal of the PUD will not change these facts.

5. **Will the requested change promote the health and general welfare?**
   
   The immediate area is a mix of duplex development to the west, single family development to the east, and no development to the north. A narrow parcel separates this property from Highway 2. This neighborhood is in transition. The property is within the urban confines of the City. Removal of the PUD will not change these facts.

6. **Will the requested zone provide for adequate light and air?**
   
   Removal of the PUD will revert the property back to the underlying CR-3. The zoning classifications have setback, lot coverage, and height restrictions to ensure light and air. Any future project will be subject to the City zoning standards and review criterial.

7. **Will the requested zone prevent the overcrowding of land?**
   
   Removal of the expired PUD will neither prevent nor promote overcrowding of the land. This request provides a formal action to a project that is already expired.

8. **Will the requested zone avoid undue concentration of people?**
   
   Removal of the expired PUD will neither avoid nor create an undue concentration of people on the land. This request provides a formal action to a project that is already expired.
9. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
The site is within the Columbia Falls city limits, and municipal sewer and water service will be extended to the site. Any developer would be required to upgrade existing infrastructure in the area so that the proposed improvements do not burden or compromise existing systems. The action of removing this PUD does not change these facts.

10. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

11. **Does the requested zone give reasonable consideration to the character of the district?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

12. **Will the new zoning affect property values?**
Removal of the expired PUD does not affect property values as the project was already expired. This request provides a formal action to remove the expired PUD from the zoning map.

13. **Will the requested zone encourage the most appropriate use of the land throughout the municipality?**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**SUMMARY**
Removal of the expired PUD does not give consideration to the property as there is no project to consider. This request provides a formal action to a project that is already expired.

**RECOMMENDATION**
Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CPUD-18-04 as findings of fact and approve the Map amendment removing the expired PUD overlay.
February 16, 2018

Re: Public hearing notice for a Planned Unit Development (PUD) Expiration of the Glacier Estates Development.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property within 150-feet of the proposed rezone to remove the expired Planned Unit Development overlay on the project formerly known as Glacier Estates Development.

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 the City of Columbia Falls to remove the expired PUD overlay from the zoning map and revert it the underlying zoning of CR-3. There is no development proposal for this property with this request. The property is located off of Bills Lane:

![Diagram of property location]

If you have question 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 Tuesday March 7, 2018 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment 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 March 13, 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, March 13, 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 April 2, 2018 starting at 7:00 p.m. in the same location.

Planned Unit Development Expiration – Columbia Range PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – River Highlands PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – Grace Ann PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planned Unit Development Expiration – Glacier Estates PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Columbia Falls Subdivision Regulations – Title 17 (Subdivision 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 to amend Sections 17.12.020 Phasing of plats; 17.12.050(I)(C); and 17.12.060(J)(3) approval periods and extension process for major and minor subdivisions.
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 15th day of February, 2018.

Susan Nicosia
Susan Nicosia, City Manager/Planning and Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD
This is a report to the Columbia Falls City-County Planning Board and the Columbia Falls City Council regarding a request for a text amendment to the Columbia Falls Subdivision Regulations. A public hearing has been scheduled before the Planning Board for March 13, 2018, beginning at 6:30 PM in the Columbia Falls City Council Chambers. The Planning Board will forward a recommendation to the Columbia Falls City Council who will hold a public hearing on April 2, 2018.

BACKGROUND INFORMATION

The Legacy Ranch decision out of Ravalli County in July 2015 focused on the public’s constitutional right to know and participate in regards to phased development. The public’s right to know and participate in phased developments was addressed in the 2017 Regular Legislative Session with a phased development bill, HB 445. However during the discussion of HB 445, the Legislature had concerns over extensions for non-phased subdivisions.

Amendments are highlighted with strike-outs indicating deletions and underlines indicating additions.

REVIEW PROCESS

The Columbia Falls Subdivision Regulations, Section 17.36.070, provides an amendment process for the regulations. The amendment process includes a public hearing at the City Council after publishing a notice advertising the public hearing in a newspaper of general circulation not less than 15 days nor more than 30 days prior to the date of the hearing.

A. Petitioner: City of Columbia Falls
   130 6th Street West, Room A
   Columbia Falls, MT  59912
   (406) 892-4391

B. Area Effected by the Proposed Changes: Any property within the City of Columbia Falls and the approximate one mile Planning Jurisdiction requesting a subdivision may be affected by the proposed changes.

C. Proposed Amendments: The Planning Department is proposing several amendments to the subdivision approval period and extension procedures. These amendments are based on District Court decisions and Legislative changes. These changes are also recommended by the Montana League of Cities and Towns legal counsel.
The specific changes to the Columbia Falls Subdivision Regulations, Title 17 are as follows and include underlined text (for new language) and strike-outs (for deleted language and footnotes).

Amend Chapter 17.12.050.I. as follows:

c. The approval of the preliminary plat shall be in force for not more than **two** calendar years, nor less than one calendar year. At least thirty days prior to the end of this period, the Subdivider may request, in writing, an extension of the approval for no more than **one** calendar years and the Council may grant such extension. The total life of a preliminary plat shall not exceed **three ten** calendar years.

All requests for preliminary plat extensions shall include the following information:

i. Progress on completing conditions of preliminary plat.

ii. Duration of the requested extension.

d. Prior to granting a second extension for a major subdivision, the governing body shall hold a public hearing. Notice of the hearing shall be given by publication in a newspaper of general circulation in the County for not less than 15 days.

Amend Chapter 17.12.060.J as follows:

3. An approved preliminary plat shall be in force for not more than **two** calendar years, nor less than one calendar year. At least thirty days prior to the end of this period, the Subdivider may request, in writing, an extension of the approval for no more than **one** calendar years and the Council may grant such extension. The total life of a preliminary plat shall not exceed **three ten** calendar years.

All requests for preliminary plat extension shall include the following information:

i. Progress on completing conditions of preliminary plat.

ii. Duration of the requested extension.

Amend Chapter 17.12.020.J as follows:

17.12.020 Phasing of plats.

A. The subdivider, as part of the preliminary plat application, may propose to delineate on the preliminary plat two or more final plat filing phases and establish the schedules of the preliminary plat review and approval.

1. The subdivision must contain at least **ten one** gross acres and each phase must contain at least five gross acres.

2. Each phase must be freestanding, that is, fully capable of functioning with all the required improvements in place in the event the future phases are not completed or completed at a much later time.

3. A phasing plan must be submitted with the preliminary plat which
includes:
  a. A plat delineating each phase and a general time frame for each phase;
  b. Public improvements phasing plan showing which improvements will be completed with each phase.

4. The preliminary plat of a phased subdivision shall have time limits:
   a. If a subdivision is part of an approved planned unit development (PUD) which contains a specific phasing plan complete with timelines, such phasing plan shall be binding.
   b. For all other subdivisions, upon final plat approval of the first phase, final plats for each successive phase must be filed within two years of the previous final plat approval. Failure to meet this time frame will cause the preliminary plat to void.

5. When phasing was not indicated in the preliminary plat approval, the applicant shall submit to the planning office a phasing plan complying with subsections above and Appendix A of this title, Contents of Preliminary Plat Section (II)(D) Phased Projects. The request to allow a phased development after preliminary plat approval is an amendment to the preliminary plat.

5. Extensions may be granted to phases following the process outlined in Chapters 17.12.050.1.c & d. and Chapter 17.12.060.J.3

6. Minor modifications to an approved phasing plan which do not change impacts on the adjoining property may be approved or denied by the planning director. (Ord. 668 § 1(part), 2005)

D. Subdivision Evaluation: The subdivision regulations have been reviewed and the recommended amendments are proposed above. The proposed changes are not major amendments to design criteria or process and therefore, staff did not provide a specific review using the Purpose Statements in the Subdivision Regulations as these have already gone through the this process. The proposed changes are only a reflection of changes made to the Montana Subdivision and Platting Act over the last session and recommendations based on legal precedence by the Montana League of Cities and Towns legal counsel.

RECOMMENDATION

Staff recommends that the Columbia Falls City-County Planning Board adopt the findings in staff report CSTA-18-01 and recommend to the Columbia Falls City Council that the proposed subdivision regulations be adopted as provided herein.