

ORDINANCE NO. 776

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING CHAPTER 17.12 SUBDIVISION APPLICATION PROCEDURE OF THE COLUMBIA FALLS MUNICIPAL CODE

WHEREAS, the City Council desires to amend Chapter 17.12 Subdivision Application Procedure, of the Columbia Falls Municipal Code; and

WHEREAS, a hearing on said text amendments was held by the Columbia Falls City-County Planning Board (Board) conducted a public hearing at its regular meeting on Tuesday, March 13, 2018, after said hearing was advertised according to law; and at said hearing on said date, the Board considered any all comments filed or voiced with respect to the changes, and adopted Staff Report CSTA-18-01 as findings of fact and recommended adoption of the text amendments; and

WHEREAS, a hearing on said text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, April 2, 2018, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has adopted Staff Report CSTA-18-01 as findings of fact and determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

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

Section One. Section Amended: Chapter 17.12 Subdivision Application Procedure, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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 Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Section Five. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA  
THIS 16th DAY OF APRIL, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Karper, Piper, Robinson, Shepard and Barnhart

NOES: None

ABSENT: Lovering

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 16<sup>th</sup> DAY OF  
APRIL, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

I, Barb Staland, City Clerk of Columbia Falls, do hereby certify that on the 16<sup>th</sup> day of April, 2018, I posted a copy of the foregoing ordinance in my office, and that the same remained posted for a period of five days thereafter, and that the foregoing record is a true copy of the Ordinance as passed by the Council.

Witness my hand and seal this 16th day of APRIL, 2018.

\_\_\_\_\_  
City Clerk

## EXHIBIT "A"

Amend **Chapter 17.12.050.I.** as follows:

- c. The approval of the preliminary plat shall be in force for not more than three 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 two calendar years and the Council may grant such extension. The total life of a preliminary plat shall not exceed 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, or subsequent, 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 three 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 two calendar years and the Council may grant such extension. The total life of a preliminary plat shall not exceed 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 one gross acre.
  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 be voided unless an extension has been granted.
5. Extensions may be granted to phases following the process outlined in Chapters 17.12.050.I.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)