AGENDA

REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
TUESDAY, OCTOBER 15, 2019 - BEGINNING AT 6:30 PM
COUNCIL CHAMBERS CITY HALL

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF MINUTES: Minutes of the September 9, 2019 Planning Board

C. VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment
on any items not on tonight’s agenda)

D. PUBLIC HEARINGS AND ACTION:
   a. Conditional Use Permit Application Request: A request by Randy and
      Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium
      complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned
      CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-
      1 zoning designation requires a CUP to construct a three-plex or greater within the
      zoning district. The applicants previously received a CUP for multi-family condos
      on neighboring lots within the subdivision and the proposed structure will resemble
      the existing structures. The property is addressed as 3 Diane Road and described as
      Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North,
      Range 22 West, P.M.M., Flathead County.

      a. Adopt Staff Report CCU-19-03 as findings of fact
      b. Approve Conditional Use Permit

   b. Request to Amend the Highline Planned Unit Development in the Columbia
      Falls Zoning Jurisdiction:

      The Highline Apartments LLC is requesting an amendment to the approved
      Planned Unit Development overlay that permitted the 207 unit apartment project
      located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3
      and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West,
P.M.M., Flathead County. The amendments include moving building E into Phase 2 and increasing the size of the wall sign for the project.

a. Adopt Staff Report CPUD-19-02 as findings of fact
b. Approve Amended PUD

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as “the Cedar Palace,” and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as 500 12th Avenue West in Columbia Falls and is described completely on the attached Notice of Public Hearing.

a. Adopt Staff Report CZC-19-01 as findings of fact
b. Approve Zone Change

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

E. ADJOURNMENT

Next Regular Planning Board Meeting – TBD (Tuesday, November 12th if application(s) received)
MINUTES
REGULAR MEETING
COLUMBIA FALLS CITY-COUNTY
PLANNING BOARD AND ZONING COMMISSION
Tuesday, September 10, 2019 - Beginning at 6:30 PM
CITY HALL
COUNCIL CHAMBERS

CALL TO ORDER AND ROLL CALL
Chairman Vukonich called the meeting to order at 6:30 p.m. PRESENT: Vukonich, Shepard, Duffy, Kavanagh, Singer and Nelson. ABSENT: Hughes

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

Pledge of Allegiance

APPROVAL OF MINUTES: Duffy made a motion to approve the Minutes of the July 9, 2019 Planning Board Meeting, second by Singer 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 AND ACTION
Chairman Vukonich read the notice of hearing: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, September 10, 2019 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 October 7, 2019 starting at 7:00 p.m. in the same location.

Request for a Planned Unit Development and Major Subdivision in the Columbia Falls Planning Jurisdiction:

Prairie Dog Development, LLC is requesting approval of a Planned Unit Development and a mixed-use Major Subdivision consisting of single family residential and resort cabins. The 55.44 acre property is located at 7073 US Highway 2, Columbia Falls and is described as Tract 3, COS 20092 in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy presented the staff reports for the Major Subdivision, CPP-19-02, and the Planned Unit Development, CPUD-19-01, for the Prairie Dog Development LLC project. Mulcahy reported that he will present both staff reports and then the Board would hold one
hearing for the project. Mulcahy presented each report, detailing each of the findings and the 27 Plat Conditions and the 10 PUD Conditions. Chairman Vukonich asked the Board if they had any questions for Mulcahy.

Kavanagh asked if there is precedence with Flathead County road standards. Mulcahy said he would research it further. Kavanagh inquired if we can enforce the County Bridge and Road Standards. His recommendation is to consider the first portion as the primary access route to ensure the road is wide enough. The other concern Kavanagh noted was the public easement within the CCR’s is not yet final, in addition the CCR’s do not say it is a public road. There were cut and fill slopes outside the boundary that would be considered easement on lots 1, 2, 3, along with lots 20-17 contain as a structure road.

Shepard asked why the project did not include a review of City Sewer. Mulcahy said he must review the project within the City’s regulations, including the Extension of Services Plan, Growth Policy and Public Works Standards; Mulcahy noted that the applicant is proposing to develop their own water system and individual septic systems within the subdivision.

Duffy inquired with the traffic flow in the winter months if the roads will be maintained by the association.

Vukonich said on page 23 it reads “2013 Growth Policy,” should that read the current Growth Policy. Mulcahy said it stands correct as it was the Growth Policy when the application was submitted and the Council is still in the process of adopting the 2019 Draft Growth Policy.

Chairman Vukonich asked the applicant for their presentation. Dave DeGrandpre with Land Solutions LLC, said he is representing Jim McIntyre/Prairie Dog Development. Mr. DeGrandpre thanked the board and staff for the work on the staff reports. Mr. DeGrandpre said there is a misconception on the septic systems; there are no septic systems in the wetlands. He noted that there is a spring and pond on the site and they are to remain undisturbed. Most of the homes are not visible from the main roads. DeGrandpre said the applicant will comply with the city rules and regulations along with the City Growth Policy. He said the 30% open space will be corrected through the final plat. He noted that the road grades are also something that the applicant will comply with the appropriate standards whether they are city or county. The recommendations from the Fish, Wildlife & Parks will be included in the CCR’s. The applicant supports the proposed findings of fact. DeGrandpre said the applicant would like the Board to amend Condition #6 regarding the disturbance of trees to reflect that there are some trees that will need to be removed for infrastructure and road construction. DeGrandpre noted that the current application has significant lower density then the project proposed in the past. DeGrandpre also noted that if this application is approved, there are many other steps and permits to be acquired: DEQ, DNRC, US COE, and DOT traffic study.

Vukonich asked if the Board had questions for the applicant. Vukonich noted that Fish Wildlife and Parks is concerned about fencing of lots. Mr. DeGrandpre said there is wildlife friendly fencing that they can discuss later, they are happy to put them in the covenants.

Chairman Vukonich opened the hearing for public comment at 7:45 p.m.
Glenn Wehe resides at 267 Rogers Road, said he was here to speak against the proposed subdivision and PUD. Mr. Wehe said Rogers Rd. is bad in the winter time and he cannot see an additional usage of 760 trips per day. This property is a game corridor through all seasons and the game will be gone when the subdivision goes in. Mr. Wehe said he has recently had his well-tested and it does show some strain. How will the proposed septic system affect the current wells?

Daniel Seliger lives at 439 Rogers Rd. said one of his biggest concerns was recently a well went dry due to a single irrigation pivot. The reason they believe it was a pivot was because when they turned it off they didn’t have problems. Mr. Seliger said he is not in favor of the proposed project.

Lucy Yeats, 315 Shooting Star Dr. asked the Board to please take note of Jessy’s Fish Wildlife and Parks report. This area is still rural, every property in the area is rural and she prefers it that way. Ms. Yeats said she has an emotional attachment as a descendent of the Lefler and Roger’s families. Ms. Yeats read the environmental assessment and stated she does not agree with it. She said she was outraged that 30 cabins were proposed in the wetlands. She said she doesn’t like the downtown development, looks like everyone else’s community. She does not want her area to look urban, the area is still rural. Ms. Yeats asked the Board to please read her letter and consider her thoughts.

Debra Cox resides at 120 Kelly Rd. said she is a property owner and wants to do what she wants with her property as well. Ms. Cox believes this is too much and would like to see 5 acre parcels or larger. She drives by River Road often and said she would see the subdivision. She suggested planting trees and bushes along River Road. She believes there may be a need for a stop light from River Road to Hwy 2.

Courtney Stone, lives at 225 Rogers Rd. Ms. Stone believes this development is a bit much, particularly the cabins. She said there are unanswered questions about the septic systems. She asked the Board to take a hard look at the density in the area. The development does not meet the 30% open space requirement. Ms. Stone shared her thoughts and suggestions to the Board regarding open space, Fish, Wildlife and Parks report, bike path width, rental cabins and replacing trees.

Shirley Rogers Folkwein resides at 285 Shooting Star Dr. said she is opposed to this subdivision as proposed. This particular 55 acres is an essential part of a wildlife corridor. There are 78 buildings there which will take a major chunk out of the wildlife area. Ms. Folkwein believes the entire east side of the Flathead River be maintained for wildlife. Ms. Folkwein brought forward her concerns with cabins and roads, along with the water quality. Some of the residents are still farming and have concerns about the aquifer. She also expressed concern on traffic safety on Hwy 2. Shirley gave the clerk a map of the 1970 housing density for the record.

Dave Yeats resides at 315 Shooting Star Dr., Lucy’s spouse, said his main concern is water and water quality. His sister in-law lives below the subdivision. His concern is the water has to go somewhere and concerned it may go onto other properties including his sister in laws.
Mr. Yeats said he has been teaching Hunters Ed for 40 years and they utilize a nearby tree stand 40 yards from the proposed subdivision and is afraid the wildlife will disappear. Mr. Yeats said he is dead set against the proposal and is more so against the rental cabins.

Ruth Clawson lives at 355 Rogers Rd. said her property adjoins the proposed development. Ms. Clawson said a number of years ago their wetland dried up, later they found out the neighbors dug a pond and built a dam, which shut down the flow of water to their property. If the aquifer is shallow how will it provide water to the 30 cabins plus the 48 homes without affecting our property?

Kathie Arvidson lives at 7123 Hwy 2 East. Ms. Arvidson said there was a comment made earlier that there is no surface water on that property, there has been a pond there since she can remember. When they start building a road across the wetlands where will the water go. She is concerned that the water will move onto her property and into her hay fields.

Travis Rosenkoetter, 189 Red Barn Rd. would like to emphasis that in this area a development of this scale would alter the appeal of the area. The city has the ability to shape this development. Mr. Rosenkoetter believes this development will impact the river and ground water. The rural nature of our neighborhood will forever change.

Tabitha Kingery lives at 101 Steppe Ln. said they bought property out there because there were no people. Ms. Kingery believes if you bring that many people into the area there is potential that crime may increase. She echoes other neighbors with the water concern and wells. Ms. Kingery believes the rental cabins will make it a resort area and it may affect her property taxes.

Glenn Wehe lives at 267 Rogers Road. Said he forgot to mention during his first comments that the septic system will be pumped uphill to the next bench. With all the cabins by the highway the wetland area stands to be polluted or upset.

Ms. Seliger lives at 439 Rogers Rd. said her concern is the road would be placed in front of her house. The winters are horrible due to the drifts which can make road conditions awful. This past year is the first year the garbage truck couldn’t get to their house.

Chairman Vukonich closed the public hearing at 8:29 p.m. Vukonich also noted that the written testimony received by the Board to date will be made part of the formal record.

Kavanagh made motion to adopt Staff Report CPUD-19-01 as findings of fact, second by Nelson.

Kavanagh said he wrestles with commercial use within the wetlands and that the environmental impact may be understated in the findings of fact. Are we promoting health and general welfare by putting a commercial site in the wetlands? Mulcahy said the Growth Policy discusses being sensitive to environmental areas such as the wetlands. He said you might see implementation of setbacks such as Kalispell’s setbacks from rivers and streams but no setbacks for wetlands; Flathead County has no standards or guidance for wetland setback.
In our instance, Columbia Falls has not taken the step to define what those setbacks would be. Mulcahy said this is the first step in a multi-faceted subdivision process and it could take two years for completion. Mulcahy noted that all conditions must be met before final plat can be approved. He said DEQ approval at the state and county level takes a year, DNRC water rights process, testing for quality and quantity must be completed, the wetlands crossing will require a COE permit and a storm water prevention permit (SWPP) is required from the state and requires revegetation of the disturbed areas. Mulcahy said to answer Sam’s question, there are regulations and conditions in place to ensure everything is properly completed. Mulcahy said that the Board could propose regulations for the wetlands.

Singer asked what is defined as common area. Mulcahy said it is defined as open space in the PUD standards and includes all permanently undeveloped area and can include the well head protection zones and open space.

Nelson asked the applicant, you are 2.5 acres shy from the 30% requirement how will you adjust that? DeGrandpre said we have not discussed it yet, but we can adjust lots. Mulcahy said the easiest method is to adjust lot sizes or remove a couple lots.

Nelson echoed what Kavanagh said about the cabins being so close to the wetlands. Singer said she too has concerns about cabins and density. Singer said she is also concerned about the movement on the current roadways and safety.

Kavanagh said he believes the cabins are a cluster development with a significant amount of people in a small area and without a wetland setback policy; the development is too dense and the staff report didn’t adequately take into consideration this sensitive area.

Vukonich said this is a different development than that proposed previously and he is troubled by the lack of public water and sewer infrastructure. Mulcahy said the Board could put sideboards on the resort development.

Vukonich said it is the frequent turnover with nightly and weekly rentals that concerns him. Shepard also expressed concern with the number and location of the cabins.

Vukonich asked the Board if they are in agreement with the modification to Condition 6a proposed by the applicant, except for the trees required to be disturbed for road and utility construction. Kavanagh made motion to amend Condition 6a to add except as required for roads and utility construction, second by Shepard with the Board voting as follows. AYES: Singer, Nelson, Shepard, Duffy, Kavanagh and Vukonich. NOES: None. ABSENT: Hughes

Board discussed Condition 7 regarding bike path or sidewalk/path widths. Singer motioned to add Condition 7.c. All non-motorized trail system shall be no less than 5 feet in width and alignments approved by City Staff prior to Final Plat, second by Duffy with the Board voting as follows. AYES: Nelson, Shepard, Duffy, Kavanagh, Singer and Vukonich. NOES: None. ABSENT: Hughes

Board discussed wetland buffers and setbacks due to concerns with wetland development. Mulcahy said the Board could establish a setback from the delineated boundary. Mulcahy said there are three tests: soils, plants and water in establishing the boundary. Kavanagh made motion to amend Finding #2 on page 6 to add: “However, it fails to provide adequate
setbacks to maintain the long-term health of the wetlands. To address this concern the Planning Board will require a minimum 25 foot development setback from the wetlands.” Motion seconded by Shepard with the Board voting as follows. AYES: Shepard, Duffy, Kavanagh, Singer, Nelson, Vukonich. NOES: None. ABSENT: Hughes.

Kavanagh motioned to amend Finding 7 by adding, “As proposed, the Lot 1 layout permits structures immediately adjacent to wetlands creating an overcrowding condition on a sensitive area. To address this concern, the Planning Board recommends a 25 foot setback, second by Nelson with the Board voting as follows. AYES: Duffy, Kavanagh, Singer, Nelson, Shepard and Vukonich. NOES: None. ABSENT: Hughes.

Shepard motioned to add Condition 11. A 25 foot setback is required from all delineated wetlands for buildings, parking lots and all permanent structures except the primary access roads. Second by Kavanagh with the Board voting as follows: AYES: Kavanagh, Singer, Nelson, Shepard, Duffy and Vukonich. NOES: None. ABSENT: Hughes.

Chairman Vukonich called for the roll call vote on the original motion to adopt Staff Report CPUD-19-01 as findings of fact:

AYES: Shepard, Duffy, Kavanagh, Singer, Nelson and Vukonich. NOES: None. ABSENT: Hughes.

Kavanagh motioned to approve Staff Report CPP-19-02 as findings of fact. Second by Nelson.

Chairman Vukonich walked the Board through each of the proposed 27 conditions. Condition 1 was clarified to include “as noted on the face of the final plat.” Board discussed Condition 3 and determined that the condition did not need to be amended; the appropriate standards are in place to ensure the roads are built to the proper grades. After discussion, Condition 14 would be amended to read: Given the proximity of the wetlands, a geotechnical report shall be required for the development of Lot 1 and the primary access road in the vicinity of the wetland area. Recommendations of the Geotechnical Report shall be followed in the construction of the cabins, roadways, and utilities for this area. The Board will add Condition 28 - To accept the Fish Wildlife and Parks recommendations A-K. The Board will add Condition 29 – All cut and fill areas will be contained within road rights of ways or easements.

Duffy motioned to approve the amendments as outlined above to Staff Report CPP-19-02, second by Singer with the Board voting as follows. AYES: Shepard, Duffy, Kavanagh, Singer, Nelson and Vukonich. NOES: None. ABSENT: Hughes.

City Clerk disclosed the City has received 6 letters which were distributed to the Board this evening.
Kavanagh moved to send the Major Subdivision Preliminary Plat and PUD with amended conditions as approved to council for consideration, second by Nelson with voting as follows. AYES: Kavanagh, Singer, Nelson, Shepard, Duffy and Vukonich. NOES: None. ABSENT: Hughes.

**E. ADJOURNMENT**
Motion was made to adjourn by Kavanagh second by Shepard, meeting adjourned at 10:08 pm.

__________________________________________  
Chairman

__________________________________________  
City Clerk
The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, October 15, 2019 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 October 21, 2019 starting at 7:00 p.m. in the same location.

**Conditional Use Permit Application Request:** A request by Randy and Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structure will resemble the existing structures. The property is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

**Request to Amend the Highline Planned Unit Development in the Columbia Falls Zoning Jurisdiction:**

The Highline Apartments LLC is requesting an amendment to the approved Planned Unit Development overlay that permitted the 207 unit apartment project located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The amendments include moving building E into Phase 2 and increasing the size of the wall sign for the project.

**Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:**

Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as "the Cedar Palace," and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as 500 12th Avenue West in Columbia Falls and is described as follows:

**Parcel 1:**

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

**Parcel 2:**

Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:
Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

Parcel 3:

A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;

Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 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 24th day of September, 2019

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

Publish: Daily Interlake Sunday September 29th
STATE OF MONTANA
FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY SWORN, DEPRES AND SAYS: THAT SHE IS THE CLERK OF THE DAILY INTER LAKE A DAILY NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA THAT NO. 26529

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUES OF SAID PAPER, AND IN EACH AND EVERY COPY ON THE DATES OF SEPTEMBER 29, 2019

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, September 29, 2019

Dorothy J. Glencross
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 request to permit a conditional use located at 3 Diane Road. The Conditional Use request is scheduled for a public hearing before the Planning Board on Tuesday, October 15, 2019 at 6:30 PM and Columbia Falls City Council on Monday, October 21, 2019 at 7:00 p.m.

BACKGROUND INFORMATION

A. PETITIONERS
Randy Jones Construction
P.O. Box 291
Kila, MT  59920

B. PETITIONER'S TECHNICAL ASSISTANCE
None listed

C. LOCATION/DESCRIPTION
Hilltop Homes

Block: Lots: 170

Section: 18 Township: 30N Range: 20W
Address: 3 Diane Road, Columbia Falls, MT 59912

D. REQUEST
The applicants are petitioning for a Conditional Use Permit to allow for one twelve-plex condominium on Lot 170. (See attached plans)

E. NATURE OF THE REQUEST
As required by the CRA-1 zoning, a Conditional Use Permit is required for the construction of multi-family building in excess of a duplex building. In this case the applicant is requesting the CUP for a 12-plex condominium building on Lot 170. The City Council previously approved a Conditional Use Permit for an 8-plex on this lot back in 2015. The intent of the Conditional Use Permit is to address neighborhood impact and compatibility. The applicant has constructed a number of six and eight plex condominium buildings along Diane Road. However lot 170 is significantly larger than many of the other lots along Diane Road which allowed the applicant to consider a larger building.

F. EXISTING LAND USE
Over the last fifteen years there have been a number of multi-family buildings constructed along Diane Road, many of these were constructed by Randy Jones Construction. All of these recent buildings are fully occupied and are in good
condition. The area is zoned CRA-1 (residential apartment), which by definition is "A district to provide areas for multi-family use and for non-residential uses which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other denser, non-compatible districts. This district is intended to apply throughout the planning area." The proposal area is wholly contained within the CRA-1 district, which is bordered by CR-1 zoning in the vicinity.

Structures in the immediate neighborhood.
G. **ADJACENT ZONING AND LAND USE:**
The property is located within a CRA-1 (Residential Apartment) zone in the southern edge of the City. CR-3 and CR-4 zoning are to the north and south of the subject property, and Light Industrial to the northeast. The site is bounded by the railroad tracks to the southeast. The surrounding land use is structures in similar use, size and compatibility to the proposed building plans.

![Map](image)

Source Flathead County GIS Subject Parcels are outlined in red

H. **GROWTH POLICY DESIGNATION:**
Growth Policy designates this area Multi-family residential, allowing 8 to 20 units per acre. Housing is typically duplex or larger attached housing with units serviced by public sewer and water facilities. The project proposes twelve residential units on 26,932 square foot lot. This works out to a density of 19.6 units per acre. The site does have access to public streets, sewer, and water. Therefore, this proposal is in compliance with the Growth Policy.

The Talbot Neighborhood plan adopted by the City in 1996 addresses this area and offers recommendations for multi-family structures in this neighborhood in particular. The Plan anticipates that there will be multi-family housing construction in this portion of Hilltop Homes. However, in doing so, Goal #1 of the Plan under Street Design states:

*In multi-family developments, street-side landscape standards should be developed to soften the impact of the development. The plan specifically calls for*
a minimum of one tree every 30 feet located no more than 5 feet off of the paved street.

*Live ground cover should be used for all landscape treatments.

*The proposal does incorporate low lying landscaping to buffer the parking lots and does show several typical trees in front. This type of landscape treatment will be important to incorporate into the final design to help mitigate the proposed density. Street trees over time would grow and provide welcome relief in terms of shade, neighborhood character and as a way to soften more dense projects.

Policies under Multi-family Housing Design state:

*Long facades of multi-family structures should be divided into shorter segments, using building mass, such as entrance porches, notches, bay windows, etc. The maximum span between building mass changes should be less than 40 feet.

* Architectural elements are recommended in multi-family developments to create outdoor space and human scale. Features such as courtyards, porches, balconies, and trellises create the illusion of smaller, more comfortable, space.

* Roofs and rooflines of multi-family structures should contribute to a residential image. Sloped roofs, dormer windows and other features associated with traditional forms of residential development. Long expanses of uninterrupted roofline should not occur.

*Comment-The proposal accommodates these design features. The plans feature changes in roof lines, balconies, and entrance treatments.

I. UTILITIES/SERVICES:

Sewer: City Sewer is available
Water: City Water is available
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: Proposed use is to be contained within the existing permitted lot coverage. The lot is 26,932 square feet or 0.61 acres. The Columbia Falls Zoning Ordinance allows maximum lot coverage of 45%. The proposed twelve-plex building encompasses 6,448 square feet; the lot coverage therefore is approximately 23.9% of the total lot, and within the allowable coverage. The applicant is able to provide 24 parking spaces, comply with setbacks, and provide required landscape buffers.

ii) Adequate Access: Lot 170 is a corner lot and therefore has access on two City Streets, Diane and 13th Street West. Both City Streets are classified as local roads, paved to City standards, and maintained by the City Public Works Department. The project has excellent access.

Parking Lots: The applicant proposed parking for the development on-site. The parking lot as proposed will have two-way access with approaches onto both Diane Road and 13 Street West.

Pedestrian Access: This is provided for throughout the projects interior walk and in the form of 5 foot wide detached sidewalks along the City streets. Sidewalks are also provided along the parking lots. Staff suggests the sidewalks extend from the entrances along 13th Street West to the sidewalk along 13th and the walkway extension on the southern parking lot be extended to the sidewalk along Diane Road. There is a pedestrian trail along Talbot Road 250 feet to the south on the other side of John Horine Park.

iii) Absence of Environmental Constraints: As the development will be served by public sewer and water, there does not appear to be any significant environmental constraints. As the lot is flat, there does not appear to be any danger of flooding or slumping. The applicant is required to maintain all drainage on-site as part of the building permit approval process. The drainage requirement protects adjoining neighbors from this project's roof and parking lot run-off.

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: There is limited on-street parking available so the zoning regulations require off-street parking at a ratio of two spaces per unit. The applicant is showing 24 parking spaces which meet the requirements of the zoning code. All parking lots and driveways will be paved with a 5 foot landscape buffer along the western property line and 15 feet along Diane Road and 13th Street west. The front entrances hallways for the condominiums provide convenient access for visitors/guests who utilize the street parking.
ii) Required parking for Residential Apartment (18.518) is a minimum of two spaces per residential unit. The application indicates the correct number of parking stalls for the building types.

iii) Traffic Circulation: Access to the lot is via Diane Road and 13th Street West. Diane Road was recently completed by this applicant as conditioned in the previous CUP approval. Each residential unit is anticipated to generate up to 10 vehicle trips per day, therefore, this project could create 240 trips. With the completion of Diane Road, the circulation is now connected to the larger transportation network with multiple options for ingress and egress.

iv) Open Space: The applicant's proposal meets all front, side and rear yard setbacks as required by zoning. There is an established City Park (John Horine) that is five acres in size and contains a play area, a soccer field and open space. It is within a short walking distance from the proposed structures at the end of Diane Road.

v) Fencing/Screening: The applicant proposes a five foot wide landscape buffer between the western property line and the parking area as required in the zoning ordinance.

vi) Landscaping: The applicant is providing a 5-foot wide landscape buffer along the western parking area. There will also be low-lying landscaping treatment that will be incorporated as a buffer/setback along Diane Road and 13th Street West. One tree (1 ½ dbh) every 30 feet along the street will be provided by the applicant. The lawn areas will be sodded and irrigated as provided for in previous CUP’s.

Recently completed building.
vii) Signage: Signage would conform to existing Columbia Falls sign regulations for the CRA-1 zone. There are no signs proposed except for a Randy Jones Construction identification sign during active construction. The Sign Ordinance will limit the sign to 6 feet in height and 16 square feet per face maximum if an identification sign is requested.

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: There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit, the 12 new lots would generate four students to the schools system. The Junior High is within walking distance and the grade school and high school can be accessed by the Talbot Trail. The additional students should not negatively impact the School District.

ii. Parks and Recreation: The applicants are not proposing any significant open space or recreational amenities on-site. The project is within easy walking distance to John Horine Park. This City Park is 5 acres in size and contains a tot-lot play area, a soccer field and additional open lands and the City of Columbia Falls Public Works shop. It has been noted in the previous CUP application that this park is undersized for the amount of current and proposed population planned for this area. This park was part of the parkland dedication for the original platting of Hilltop Homes in 1978. At that time, these lots were planned for duplex uses, and did not take into consideration the possibility of multi-family structures, which is potentially 3 times the anticipated use. The 2004, 2014, 2015, Conditional Use Agreements for six and eight-plexes required a $1,000 per lot payment to the City of Columbia Falls be made to specifically for improvements at the John Horine Park. The City believes that it is reasonable to include a $1,500 payment for the proposed 12-plex on Lot 170 and therefore it is included in the conditions for this permit.
iii. Police: The Columbia Falls Police Department is responsible for the proposed development. The development will have an increase in potential impact as it brings 12 more families to the City and these families will be living in close proximity to each other.

iv. Fire Protection: The Columbia Falls Fire Department provides fire protection to this neighborhood. The Columbia Falls Building Inspector will review the development for all building and fire code requirements. Hydrants were installed with the completion of Diane Road.

v. Water: City water service is in place down Diane Road.

vi. Sewer: All lots will be serviced by City Sewer.

vii. Solid Waste: Each lot/building will have a central trash receptacle. Impact to the Flathead County landfill should be minimal. The owner shall make arrangements with a private hauler to collect and remove solid waste from the site.

d. Immediate Neighborhood Impact. As this proposal is similar in size and nature to the existing development in the immediate vicinity, the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general.

e. Typical negative impacts which extend beyond the proposed site include, but are not limited to:

i) Excessive Traffic Generation: At build-out, there will be some increase over current traffic volumes however, the traffic volumes and patterns have been reviewed during the preliminary plat approval process and found to be within acceptable limits. With the recent completion of Diane Road, traffic is dissipated through the neighborhood and not concentrated on a single path to the collector roads.

ii) Noise or Vibration: There will be noise and activity associated with the normal construction process. Once completed, further activity will be residential in use with all traffic, garbage, light and noise consistent with that use.

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: None proposed.

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 18.438.080(c.).
APPLICABLE REGULATIONS
The following sections of the Columbia Falls Zoning Regulations are applicable to this proposal:
Chapter 18.210 Conditional Use Permits
Chapter 18.332 CRA-1 Residential Apartment
Chapter 18.532.010 Parking facilities
Chapter 18.438 Signs
Chapter 18.441 Small Buildings (less than 10,000 square feet)

SUMMARY
The Conditional Use Request for permitting twelve-plex condominium building located at 3 Diane Road in the Hilltop Homes subdivision. 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 multi-family nature of the project complies with the recommendations of the Columbia Falls City-County Growth Policy and the more specific Talbot Neighborhood Plan. The building design has incorporated design elements such as stepped roofline and second floor balconies.
2. Environmental constraints from the development are considered to be minimal. The Diane Road frontage was recently completed by the developer with street lighting, curb, gutter, sidewalks, and street trees.
3. The project is density is consistent with the neighboring residential buildings.

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 CCU-19-03 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. Where absent in front of the buildings, the applicant shall construct and/or install and improved to City standards, such as sidewalks, street lights, and street trees to the extent of the lot boundaries.
3. Concrete walkway shall be extended from the two entrances along 13 Street West to the new sidewalk along said street. The walkway show on the site plan along the southern parking lot shall extend south to connect with the sidewalk along Diane Road.
4. Street trees shall be planted at a minimum distance of 30 feet on center along the entire perimeter of the project abutting Diane Road and 13th Street West unless already installed. The trees shall be a minimum of 1 ½” dbh and shall be located in the boulevard between the street and the detached sidewalk.
5. The applicant shall pave all parking areas and driveways.
6. The applicant shall provide an engineered drainage plan to address on-site storm water disposal. In addition, the applicant shall designate a snow storage area on site to accommodate parking lot snow disposal. This plan will need to be accepted by the City Public Works Department prior to issuance of a building permit.

7. The applicant shall fully enclose with a fence or screen with growing materials the garbage collection site as shown on the site plan.

8. All sewer and water hookups shall be built according to plans and specifications approved by the City of Columbia Falls and meeting the City Standards for Public Works Improvements and the Montana Public Works Standard Specifications.

9. Street lights will be required to be located as per Columbia Falls Public Works specifications for street construction.

10. All conditions provided above and all improvements necessary for the operation of an apartment complex must be in place prior to the occupancy of the complex. Any elements such as landscaping not finished prior to the issuance of an occupancy permit, may be bonded for with signed improvements agreement approved by the City Manager for an amount not less than 125% of the cost of the remaining improvement.

11. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations.

12. A $1,500 payment per lot will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to John Horine Park.

13. 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 $115

PROPOSED USE: 12 PLEX CONDOS

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

OWNER(S) OF RECORD:
Name: Randy & Debbie Jones
Mailing Address: P.O. Box 391
City/State/Zip: Kila, MT 59920 Phone: 406-327-2

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:
Name: Randy Jones
Mailing Address: P.O. Box 2011
City/State/Zip: Kila, MT 59920 Phone: 406-327-2

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):
Street Address 3 Diane Rd Tract
Block 1 Lot 170
Subdivision Name Hilltop Homes
Section 18 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: CLA

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.
e. Size(s) and location(s) of proposed buildings.
f. Existing use(s) of structures and open areas.
g. Proposed use(s) of structures and open areas.
h. Existing & proposed landscaping and fences.

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.
   l. 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: [Signature]
Date: 8-30-19
Required Criteria for Conditional Use Application


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:
   1. Adequate usable space,
   2. Adequate access, and
   3. Absence of environmental constraints.

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:
   1. Parking scheme,
   2. Traffic circulation,
   3. Open space,
   4. Fencing/screening,
   5. Landscaping, and

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:
   1. Sewer,
   2. Water,
   3. Storm water drainage,
   4. Fire protection,
   5. Police protection, and

D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
   1. Excessive traffic generation,
   2. Noise or vibration,
   3. Dust, glare, or heat,
   4. Smoke, fumes, gas, or odors, and
   5. Inappropriate hours of operation
   6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.
INSTRUCTIONS FOR CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit

1. A pre-application meeting with the planning director or member of the planning staff is required.
2. Submit the correct fee, (per schedule below) completed application and appropriate attachments to the Planning Office (address on the front of this form).
3. Application for Conditional Use Permit must be completed and submitted a minimum of thirty-five (35) days prior to the planning board meeting at which this application will be heard. The regularly scheduled meeting of the planning board is the Tuesday after the second Monday of each month.
4. After the planning board hearing, the application is forwarded with the board’s recommendation to the city council for hearing and final action.
5. Once the application is complete and accepted by the planning staff, final approval usually takes 60 days, but never more than 90 days.

Administrative Conditional Use Permit (Home Occupation, Temporary Use, and Minor Expansion of Non-Conforming Uses.)

1. A pre-application meeting with the planning director or member of the planning staff is required.
2. Submit the correct fee, (per schedule below) completed application and appropriate attachments to the Planning Office (address on the front of this form).
3. Once the application is complete and accepted by the planning staff, final approval usually takes 30 days, provided that issues raised during the public comment period can be mitigated. If mitigation is not satisfactorily accomplished then a Conditional Use Permit may be submitted.
A. Traffic Flow and Control
   o General access to lot #170 today is via Martha road then onto Diane Road, or
     13th Street onto Diane Road. The applicant is proposing to use Diane Road and
     13th Street for direct access to these lots.
B. Access to and circulation within the property
   o The applicant is proposing a 5 foot wide detached concrete sidewalk to provide
     for an improved opportunity for the residents of the development to move
     around on the property and Diane Road.
   o There will be two asphalt driveways that will service the 12 plex.
C. Off street parking and loading
   o The applicant proposes off street parking for the development on site.
   o The zoning regulation require 2 parking spaces per residential unit. The 12 plex
     will have 26 off street parking spaces.
   o The applicant shall pave all parking areas and driveways.
   o The applicant is providing landscape buffer around the parking area.
D. Refuse and Service Areas
   o The owner shall make arrangements with a private hauler to collect and remove
     solid wastes from on site. The location of the collection site shall be placed at
     least 20 feet away from Diane Street, and the detached sidewalk, and may need
     either screening, buffering or enclosure to be more compatible to the
     neighborhood.
   o Columbia Falls Police Department is responsible for the proposed development.
   o Columbia Falls Volunteer Fire Department provides fire protection to this
     neighborhood.
E. Utilities
   o All sewer, water, power, phone and cable are stubbed to this lot
F. Screening and buffering
   o The applicant is providing a 5 foot wide or great landscape buffer along the
     outside perimeter of the parking area
   o Low lying landscaping treatment will be incorporated to help provide a buffer for
     the parking lot.
G. Sign, yard and other open spaces
   o No signage is proposed at this time. If an identification sign for Randy Jones Construction is deemed necessary, it shall be limited to 6 feet in height and 16 sq. ft. per face maximum.
   o There will be a minimum of one tree every 30 feet located no more than 5 feet off of the paved street. The trees shall be a minimum of 1 ½ inches dbh and shall be located in the boulevard between the street and the detached sidewalk. Street trees over time would grow to provide welcome relief in terms of shade, neighborhood character and a way to soften the area.
   o Grounds will be covered by sod and have watering system to keep it green.
   o Low lying landscaping treatment will be incorporated to help provide a buffer for the parking lot.
   o The applicant proposes a 15 foot front yard setback, as open spaces, as required by zoning.
   o The applicant is not proposing any open space or recreational amenities onsite. John Horine City Park is 5 acres in size and contains a play area, soccer field and other additional open lands. Applicant pays $1,000 once this lot is built and sold for this park. This park is within walking distance of lots. The Junior High also contains open space and play area further to the east, across the BNRR line.

H. Height, bulk and location of structures
   o The applicants propose to incorporate a two story design with the buildings being 124 feet long, 52 feet wide, and 30 feet high.
   o Location of properties is on Diane Road, Columbia Falls.
   o Legal descriptions can be found on application.

I. Location of proposed open spaces use
   o The applicant is proposing a 15 foot front yard setback as required by zoning.
   o No other open space is proposed
September 24, 2019

Re: Public hearing notice for a Conditional Use Permit for a 12-Unit Condominium building

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 notice of a public hearing for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structure will resemble the existing structures. The property is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

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 or by email: staalandb@cityofcolumbiafalls.com no later than Thursday October 10, 2019. 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 October 15, 2019.

Sincerely,

Eric H. Mulcahy, City Planner
CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, October 15, 2019 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 October 21, 2019 starting at 7:00 p.m. in the same location.

**Conditional Use Permit Application Request:** A request by Randy and Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structure will resemble the existing structures. The property is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

**Request to Amend the Highline Planned Unit Development in the Columbia Falls Zoning Jurisdiction:**

The Highline Apartments LLC is requesting an amendment to the approved Planned Unit Development overlay that permitted the 207 unit apartment project located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The amendments include moving building E into Phase 2 and increasing the size of the wall sign for the project.

**Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:**

Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as “the Cedar Palace,” and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as on 500 12th Avenue West in Columbia Falls and is described as follows:

**Parcel 1:**

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

**Parcel 2:**

Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

**Parcel 3:**
A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;

Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 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 24th day of September, 2019
PUD/ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
THE HIGHLINE - PLANNED UNIT DEVELOPMENT AMENDMENT
CITY OF COLUMBIA FALLS STAFF REPORT # CPUD-19-02
October 8, 2019

A report to the Columbia Falls City County Planning Board regarding a request for amendment to the Highline Planned Unit Development overlay (PUD).

BACKGROUND INFORMATION

A. PETITIONERS
   Owner: The Highline Apartments LLC
         Attn: Dusty Emmert
         601 N. National Avenue
         Springfield MO, 65802

   Applicant: Same

B. PETITIONER’S TECHNICAL ASSISTANCE

   Aaron Wallace
   Montana Creative
   158 Railway Street
   Whitefish, MT 59937
   (496)862-8152

C. LOCATION/DESCRIPTION

   The property is located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estate in Section 16, T30N, R20W, P.M.M., Flathead County, MT.

D. REQUEST

   The applicant is requesting two amendments to the existing PUD approval (Ordinance 779).

   The first amendment would move Building E into Phase 2 meaning Phase 2 will consist of three buildings rather than the two buildings originally proposed. A consequence of this requested amendment is compliance with Condition #21 which required a new traffic study prior to issuance of building permits for Phase 3 and a determination by the City Council whether or not a secondary emergency egress would be required with the development of Phase 3.

   The second amendment would allow a building mounted identification sign measuring 8.5 feet tall by 12 feet wide and 102 square feet. The zoning code for residential zoning districts only allows 16 feet for residential identification signs.

   This application addresses no other conditions or use of the PUD and therefore this staff report and any amendments will only address these two items.
E. **REASON FOR REQUEST**

Request 1.
The applicant’s success of Phase 1 along with a significant demand for the next phase indicated to the developers that they should accelerate the project to meet that demand.

Request 2.
One of the attributes that drew the applicants to this property was the proximity to Highway 2. With Highway 2 visibility, the applicant wish to create a sign that would be visible from that location as well and fit the scale of the buildings and development.

F. **EXISTING LAND USE**

Phase 1 of the Highline was just recently completed. Phase 1 completed 72 multi-family apartment units. All of the units have been rented and according to the applicants there is a waiting list to get into the next phase. The project is located in a transitional neighborhood with highway commercial to the south, commercial and residential uses to the west, residential and pasture located to the north, and single family residential to the east.

G. **ADJACENT ZONING AND LAND USE:**

North SAG-10 House and pasture located primarily in the 100-year floodplain
South CB-2 Commercial and Highway 2
East CB-2 Riverview Subdivision – single family residential
West CB-2 commercial, two-family residential and single family residential.

Source – Flathead County GIS
H. **GROWTH POLICY DESIGNATION**
The Columbia Falls Growth Policy was amended in 2018 to designate the applicants’ property for multi-family residential. That amendment supported the CRA-1 rezoning of the property along with the Planned Unit Development approved for the project.

I. **UTILITIES/SERVICES**
The property is located inside the City limits of Columbia Falls.

- Water: Columbia Falls Municipal Water
- Sewer: Columbia Falls Municipal Sewer
- Fire Protection: Columbia Falls City Fire Department
- Police Protection: Columbia Falls City Police
- Electricity: Flathead Electric
J. LOT SIZE DETAILS

The site proposed for The Highline development is 13.831 acres in size. The property is currently made up of two platted lots. The applicant will be going through an amended plat process to consolidate the lots. The CRA-1 zoning district has a minimum lot size of 7,500 square feet.

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; Chapters 18.348, Planned Unit Development Standards, and Chapter 18.428, Large Building Standards of the Columbia Falls Area Zoning Ordinance. The following findings are made:

1. Conformity to the Large Building Criteria as required in Columbia Falls Zoning Code Section 18.428.
   The proposed PUD amendments will not alter the approved architecture or the approved site plan. As a result the project will continue to conform to the City's Large Building Criteria and will not be further reviewed in this staff report.

Conformity with the Columbia Falls Zoning Code
Request 2 would alter the sign regulations for the Highline project. The sign regulations are address in Chapter 18.438 of the Columbia Falls Zoning Ordinance and specifically Title 18.438.080(C)(5) which stated that wall signs in the CRA-1 zoning district are limited to 16 square feet. The applicant is stating that because this property is in a transitional area between commercial and residential uses and there are no residential uses to the southwest, the direction of the signage, this property is uniquely situated and should allow for signage more in line with its commercial neighbors than its residential neighbors.

2. Does the requested zone comply with the Growth Policy?
   Request 1 - This request to amend the Phase order has no bearing on the goals and policies of the Columbia Falls Growth Policy. The decision with this amendment hinges on the requirements of Condition #21 of the PUD approval and not any statements found in the City's Growth Policy

   Request 2 – Signage is loosely addressed in Chapter 4 Land Use – Commercial Development Goal 4 and Policy 3.c. which both promote good and creative signage. The Growth Policy is silent on signage in residential zones.

   The request for a larger sign would not appear counter to the Growth Policy

3. Is the requested zone designed to lessen congestion in the streets?
   Request 1 – This proposed Amendment would add an additional building of 36 units to Phase 2 for a total of three buildings and 108 units. Phase 3 would only have a single building.

   The consequence of amending the Phases as requested is compliance with condition #21 which states: “Before the issuance of building permits for Phase 3, the applicant will complete a new traffic impact study and return to City Council to address the issue of traffic and to seek an evaluation of a second emergency access and a determination by the City Council of the need for such a second access.”

   The applicants state in the application that the Uniform Fire Code (2012 Uniform Fire Code, Section D106.2) is the rule that supports this condition. The rule states
that, “multi-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” However, the State of Montana has not adopted this code.

In communications with Rick Hagen, Columbia Falls Fire Chief, he uses the 2012 Code as a guide when reviewing project. If the applicants were to limit the number of units to 200 or less, he would support the project and not require or recommend a secondary emergency egress. Chief Hagen also pointed out that the subject property is not in a Wildland Urban Interface (WUI) for fire hazard and therefore WUI recommendations would not apply to this development.

The proposed Phase 3 with 108 units and the existing Phase 1 with 72 units would have a combined total of 180 units which is less than the 200 unit maximum before a required secondary emergency egress. A condition that limits the complex to 200 units or less for all three phases would potentially eliminate the need for the secondary emergency egress.

Request 1 will not increase the number of units and may decrease the total number of units; therefore the amendment may have no impact or slightly lessen congestion in the streets.

Request 2 – the change to maximum square feet of signage will have no impact on street congestion.

4. **Will the requested zone secure safety from fire, panic, and other dangers?**

Request 1 - In communications with Rick Hagen, Columbia Falls Fire Chief, he uses the 2012 Code as a guide when reviewing project. Fire Code, Section D106.2 is the rule that supports this condition. The rule states that, “multi-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.” However, the State of Montana has not adopted this code.

If the applicants were to limit the number of units to less than 200, Chief Hagen supports the project and will not require or recommend a secondary emergency egress for this project.

Chief Hagen also pointed out that the subject property is not in a Wildland Urban Interface (WUI) for fire hazard and therefore WUI recommendations would not apply to this development.

The project is served by City water and fire hydrants that provide fire flow. The apartment buildings have fire suppression sprinklers installed along with code compliant smoke detectors.

Request 2 – the change to maximum square feet of signage will have no impact on fire, panic or other dangers.
5. **Will the requested change promote the health and general welfare?**
The site is not located in the WUI and is supported by all City Services. The buildings are reviewed in compliance with all adopted building codes and fire codes. The applicable question is whether or not a change in phasing will necessitate a secondary emergency egress. As pointed out previously in this report, the proposed change will not trigger a requirement for secondary emergency egress by fire code and as a result the change is supported by staff. The requested amendment to sign size will not impact health and general welfare.

6. **Will the requested zone provide for adequate light and air?**
Request 1 - The proposed phasing amendment will not alter the site plan or building height and therefore will have no impact on light and air.

Request 2 - The proposed signage amendment should have no impact on light and air as the applicants are proposing a building mounted sign as opposed to a monument or free standing sign.

7. **Will the requested zone prevent the overcrowding of land?**
Request 1 - The proposed phasing amendment will not alter the site plan or number of building on the site. If the Board and Council elect to limit the maximum number of units to 200, there would be a reduction in the density by seven and reduce the required parking.

Request 2 - The proposed signage amendment should have no impact on crowding as the applicants are proposing a building mounted sign as opposed to a monument or free standing sign.

8. **Will the requested zone avoid undue concentration of people?**
Request 1 - The proposed phasing amendment will not alter the site plan or number of building on the site. If the Board and Council elect to limit the maximum number of units to 200, there would be a reduction in the density slightly and result in slightly fewer people.

Request 2 - The proposed signage amendment should have no impact on the concentration of people as the applicants are proposing a building mounted sign as opposed to a monument or free standing sign.

9. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**
Request 1 - The applicable question is whether or not a change in phasing will necessitate a secondary emergency egress into the site. As pointed out previously in this report, the proposed change will not trigger a requirement for secondary emergency egress because there will still only be 180 units at the completion of Phase 2. The applicants have also offered to limit the number of units to 200 so as to completely eliminate the need for a secondary emergency egress with Phase 3. It would appear that the change to phasing would not alter the previously approved access from Bill’s Lane or any improvements required to the intersection of Highway 2 and 3rd Street as originally conditioned. This request will have no impact on water, sewer, schools, parks, or other public requirements.

Request 2 - The proposed signage amendment will have no impact transportation, water, sewer, schools, parks, or other public requirements.
10. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**

Request 1 – The proposed phasing amendment will not alter the use or the site plan of the Highline project. Request 1 just alters the timing of the project and whether or not Condition 21 would apply.

Request 2 – The request for a larger sign is applicable to this particular site. In most residential neighborhoods this signage would be completely out of character. However with the topographic features to the south and east, the signage would not be visible. To the southwest and west where the sign would be visible, these neighbors are commercially zoned and this signage would be permitted. The residential uses to the north would not be able to see the sign as it is directed in a south west angle. The result is that the site appears suitable for this size of signage.

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

Request 1 – The proposed phasing amendment will not alter the use or the site plan of the Highline project. Request 1 just alters the timing of the project and would not change the character of the development.

Request 2 – The request for a larger sign does take into account the character of this neighborhood. The neighbors to the southwest are commercially zoned and the properties on the west side of 3rd Avenue East are developed with commercial buildings. As the proposed building mounted sign is proposed for the southwest side of the first building, it should have no impact on neighboring residential uses. It should also be pointed out that these apartment buildings are three stories in height and the proposed signage fits the scale of these buildings. A 16 square foot sign would really look out of scale in this situation.

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

Neither the phasing sequence nor the larger sign will have impacts on neighboring property values.

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

Neither request will change or alter the multi-family use approved and developed on this property. The result is no impact to this criterion.

**SUMMARY**

The requested PUD amendments appear to conform to the review criteria. The governing body may limit the total number of units to 200 and alter condition number 21 to remove the review for secondary emergency egress.
RECOMMENDATION

Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CPUD-19-02 as findings of fact and recommend approval of the requested zones subject to the following conditions:

Amendment 1 – The applicant may alter Phase 2 to include Building E for a total of three buildings.

Amendment 2 – The applicant may construct a building mounted sign up to a maximum of 102 square feet as shown on the drawings submitted with the PUD amendment application.

Alter Condition 21 to read as follows:
Condition 21: Before the issuance of building permits for Phase 3, the applicant will complete a new traffic impact study and return to City Council to address the issue of traffic and to seek an evaluation of a second emergency access and a determination by the City Council of the need for such a second access. The Highline Apartment project is limited to a maximum 200 units.


**Exhibit A**

**Legal Description**
Lots 3 and 4 of Williams Estates, Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, MT
PETITION FOR PLANNED UNIT DEVELOPMENT AMENDMENT

NAME OF APPLICANT: ___ The Highline Apartments LLC, Dusty Dusty Emmert, Brent Brown

MAIL ADDRESS: _601 N National Ave._

CITY/STATE/ZIP: _Springfield MO, 65802 PHONE: _417-319-1977___

INTEREST IN PROPERTY: _Owners_

PLEASE COMPLETE THE FOLLOWING:
A. Address of the property: 104 & 105 Bills Lane
B. Legal Description: Williams Est.; S16, T30 N, R20 W, Lot 3,4 ASSR
   #000000107, 108,
C. On a separate sheet describe the proposed change(s) to the PUD and state specifically any language change and show in detail any drawing or map change.
D. On a separate sheet describe the changed or changing conditions that make the proposed amendment necessary.
E. Attach a copy of the original PUD. (Staff will provide this attachment)

HOW WILL THE PROPOSED CHANGE AFFECT THE FOLLOWING: (On a separate sheet provide the following information)

A. PUD conformance with the Growth Policy.
B. Effects of street congestion and provisions for safe ingress and egress.
C. Promotion of safety from fire, panic and other dangers.
D. Promoting the public interest, health, comfort, convenience, safety and general welfare.
E. Preventing the overcrowding of land.
F. Avoiding undue concentration of population.
G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities.
H. Giving reasonable consideration to the character of the district.
I. Giving consideration to the peculiar suitability of the property for particular uses.
J. Protecting and conserving the value of buildings.
K. Encouraging the most appropriate use of land by assuring orderly growth.

September, 2008
The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

(Applicant Signature)  

(Date)

APPLICATION PROCESS

A. Pre-Application Meeting:
A discussion with the planning director or designated member of staff must precede filing of this application.

B. Completed application form.

C. Application fee per schedule, made payable to the Columbia Falls Planning Department.

D. The application must be accepted as complete by the Columbia Falls Planning staff thirty-five (35) days prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition signed by the real property owners.
2. A map showing the location and boundaries of the property.
3. A title report of the subject property or other certified identification of all current owners and lienholders.
Responses to PUD Amendment Application

Response to C.  *On a separate sheet describe the proposed change(s) to the PUD and state specifically any language change and show in detail any drawing or map change.*

We are proposing the following:

Item 1: Moving Building E into Phase II.

In reviewing the approved PUD and its conditions, the only aspect this affects per the Approved PUD is Condition 21 which states:

21. Before the issuance of building permits for Phase 3, the applicant will complete a new traffic study and return to City Council to address the issue of traffic and to seek an evaluation of a second emergency access and a determination by the City Council of the need for such a second emergency access.

Per the Council meeting minutes, which are attached, this clause was included because with the completion of Phase III we would exceed the International Fire Code requirement of a secondary access if, for Multifamily projects, the project exceeds 200 units. Please see the attached code outlining this requirement. With adding Building F as part of Phase II our total units would be 180 (5x36=180) and we would be under the 200-unit threshold. The traffic study was to review the actually loading at that time to help determine if that secondary access was truly needed. As such, we are requesting to move Building E into Phase II and not require us to perform a traffic study and determine if a secondary access point is required at this time. We would propose that if Phase III is developed so that the overall project count does not exceed 200 units, that we would not be required to perform Condition 21 but if Phase III does exceed the overall 200 units, then we would be required to preform condition 21 as stated.

To outline what Phase II currently includes is the following:

- Construction of Buildings C & D, each consisting of 36 units and completing the full drive circle and the larger trailer parking as part of Phase II.
  - These have been submitted for permitting.
- Completing the clubhouse and center common space containing open space and a dog park and installation of a left turn lane from 3rd Ave E onto Hwy 2.
  - This will be submitted for permitting in the near future for work to be completed this spring.

Item 2: Increasing the size of the allowed sign on the building.

Permitted signs for the CRA-1 Zone are allowed as one monument sign and one wall sign that shall not exceed sixteen square fee per space. Due to the
site location we are not proposing to not do a monument sign as part of this project. We are requesting to increase the square footage of the allowed wall sign to be allowed a 8 1/2' tall by 12' wide sign located on the face of Building A totaling 102 sf. Please see the attached drawing showing its relative size and location. The unique location of the property places the site off the main arteries and has a fairly hidden access point. By increasing the square footage of the sign to what we are proposing and locating at the proposed height, people will better be able to see and get access to the site, helping ease access. The result is that the larger sign should have a minimal impact on neighboring properties, practically the single-family residential areas and since it is uniquely situated, the City would not be granting something special that you would possibly deny to a neighbor.

Response to D.  On a separate sheet describe the changed or changing conditions that make the proposed amendment necessary.

The request for a third building in Phase II of this development is based upon the ongoing demand for these workforce housing units. With our occupancy at 100% for Phase I and a waiting list already forming for Phase II, we want to accommodate for the large number of prospective tenants that are interested in moving to The Highline with an additional building in the next phase.

We are requesting the size of the allowed signage to be increased as outlined above.

**HOW WILL THE PROPOSED CHANGE AFFECT THE FOLLOWING:**

L. PUD conformance with the Growth Policy.
   a. This aspect has not changed, please see the following per the original PUD application:
      i. This project required an amendment to the Growth policy for approval. Prior to this the Growth policy had this property outlined as Urban Residential which is between 2 and 8 units per acre with Primarily single family residential with limited quantities of multifamily units. We changed this to Multifamily residential which is 8 or more units/acre. High density residential including townhouse and apartment units. Served by urban services and may be a buffer or transitional area between low density and non-residential uses. The site sits adjacent to commercially zoned properties that lie along Highway 2 to the south, Single family residences and flood plane to the East and North and Multi-family and the downtown commercial core to the West. As we will outline in the Growth Policy amendment application, the Growth policy outlines in several areas that properties such as this are appropriate locations and uses for Multifamily apartments with higher densities. It is a transition zone between commercial and single-family residences. We are proposing a total of 207 units over 13.831 acres for a density of 15 units per acre which

September, 2008
fits in the Multifamily residential. Per our proposal the Growth Policy zone would then sit between Urban residential and Commercial districts which is a natural progression and relationship of preferred zoning.

In the Growth policy it outlines in several areas the needs for multifamily units and an overall housing need for Columbia Falls. In the greater Flathead valley area, workforce housing such as this is in great demand and this project would provide a large benefit for Columbia Falls and the greater Valley. Its location within walking distance of parks and the urban core allowing for ease of access. It also will have very direct access to Hwy 2 as a main corridor. Per the proposed plan the buildings will be centrally located in the property with a large buffer or greenspace to the adjoining neighbors. Adjacent to the designated flood plain we will be locating the buildings at an elevation higher than the required elevation flood plain height.

M. Effects of street congestion and provisions for safe ingress and egress.
   a. The original PUD approved a total of 207 units and met the concerns of safe ingress and egress. We are asking for the same number of units overall but moving 36 of the units from Phase III into Phase II. Per the original PUD we were going to exceed the 200-unit limit for only one access into the development. By moving building E into Phase II, we will not exceed that limit. If in Phase III we exceed the 200 unit limit we are still proposing to meet condition 21 of a traffic study and possible secondary access point to address safe ingress and egress. A couple of other items we are doing as part of Phase II will also help address safe ingress and egress including a turn lane that will be added to 3rd Ave. E onto Hwy 2 as part of this phase. Also, we are completing the circle drive as part of Phase II which was previously going to be part of Phase III.
   b. By allowing for a larger sign into the property, it provides better visibility into the site for users any emergency response units.

N. Promotion of safety from fire, panic and other dangers.
   a. The Buildings are all fire sprinkled and Fire rated and meet all IBC code requirements. As part of Phase II we will be connecting the full radius of the circle drive prior to Phase III. This creates easier flow and access to all of the units and better water flow to the buildings. It will also eliminate a dead-end situation between Phase II and III per the original plan. By completing Building F as part of Phase II we do not see it increasing any issues of safety, panic or other dangers that were not addressed as part of the original PUD or plan and the aspect of completing the full circle drive helps those issues.
   b. By allowing for a larger sign into the property, it provides better visibility into the site for users any emergency response units.
O. Promoting the public interest, health, comfort, convenience, safety and general welfare.

a. By moving building F into Phase II we feel that we are creating a more complete project per the original PUD which met the requirements of the public interest, health, comfort, convenience, safety and general welfare. We are not asking for increases in any of those aspects, only to adjust the timing of the proposed build out to meet the needs of the community by providing additional housing in a well received, safe, enjoyable, new apartment complex.

b. By allowing for a larger sign into the property, it provides better visibility into the site for users any emergency response units.

P. Preventing the overcrowding of land.

Q. Avoiding undue concentration of population.

a. For questions P & Q we feel the original PUD addressed this concern and that by moving Building F into Phase II we do not change aspects as we have outlined:

i. The project’s overall number of 207 proposed units within 13.831 acres for a density of 15/acre is the overriding impact. This will bring a fair amount of people into the City increasing the impact of their overall systems. The units will be for rent providing much needed temporary and permanent housing for the area located at a beneficial area adjacent to the urban core and main transportation routes as well as within walking distance of schools, parks and other public services. The project mitigates this overall density by locating it in the center of the property, maintaining the existing woods and bluffs and consolidating the traffic along one primary road which connects to US Hwy 2 under 1,000 feet from the edge of the property. As such traffic impacts should be minimal for most of the adjoining properties. Very few neighbors look directly at the property and the topography limits the visual and sound impact upon its neighbors. Parking will all be contained on site; an onsite management company will oversee the property limiting disturbances and providing direct contact with management for any issues. We anticipate that the majority of the tenants would be singles or couples with limited amount of families with only 36 of the 216 units being 2 bedrooms. Since these will be units for rent, it is anticipated that many of the tenants will move out to single family houses as their families develop or other housing is secured. These units also would be a prime candidate for retirees or older tenants who no longer want a single-family residence. As such we feel that the overall development will have a mixed use feel of multiple types of user groups. By providing for common open greenspaces and nice community amenities we feel that the tenants will be able to develop an overall sense of community within the neighborhood. Since these will be newer units with higher quality materials and a high-end overall look quality and feel along with an onsite management team, we anticipate quality tenants limiting negative impacts on the community at large.

R. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities.

a. Per the original PUD we feel that we adequately addressed the issues outlined. By moving Building F into Phase II we do not feel it changes our response:
The proposed development will provide extensions for all utilities including water, roads, pedestrian access and electrical to the site. Initial review with the City has raised minimal concern related to those services. Storm water will be handled on site. Water and sewer services will be connected within the development and connect to existing city infrastructure. We anticipate limited families due to the unit types of only 36, 2-bedroom units. Most will be studio or one-bedroom units which should limit impact on the schools. Adequate parking for all residents of the complex and provide one main entrance access point into the area for ingress/egress. Schools will be better facilitated by those living within the proposed development with interconnected sidewalk access. The proposed design also incorporates a large area of green space park land area for recreational use.

The added multi-family residential area will contribute to reducing the amount of tax-exempt developed land in the city as mentioned to be an issue in the 2013 edition of the Growth Policy for Columbia Falls. This taxable population will work to offset the added costs they may impose on the schools and city infrastructure. The proposed site also suits well to be located near schools, buffering retail and business areas and adjacent to major streets.

S. Giving reasonable consideration to the character of the district. & Giving consideration to the peculiar suitability of the property for particular uses.

a. Per the original PUD we feel that we adequately addressed the issues outlined. By moving Building F into Phase II we do not feel it changes our response:

Due to its size and location, this property will create its own new character that will act as a bridge between the disparate entities that surrounds it.

The current district has the following characteristics:
To the North is primarily open woods and meadow space with a few single-family homes and a large piece of land that resides in the flood plain designation from the Flathead River. This area is not anticipated to be developed due to the flood plain restrictions. To the East the land rises up a bluff and is occupied by single family homes in a series of smaller neighborhoods before the Flathead River and its associated flood plain. None of the homes look out upon the development property or use the same roads for access to the site. To the South is a series of limited or undeveloped commercial properties and then Highway 2. To the West are a series of five multi-family units along Bill’s Lane, which is the primary access road. To the North of these units is a series of smaller single-family homes and neighborhoods until the commercial downtown district starts. Also, to the West is a large RV park and some further undeveloped commercial properties.

As such the adjacent properties create a varied district of dissimilar uses and types. The area is characterized at this time by open undeveloped spaces of meadows and woods around its perimeter and Highway 2 traffic and noise to the south. The property sits in a lower area with the surrounding properties higher than it with limited views or direction towards this property. Visually there will be some limited views of the development from Highway 2 and up Bill’s Lane but due to the size and displacement of the buildings around the property we feel there should be limited visual impact to the neighborhood. The site location is an infill project that is a natural transitional piece between single family residences, commercial land, Highway 2 and the central commercial district. Multifamily projects with higher densities are a typical transitional use between these areas blending larger more dense buildings with large open spaces with residential uses. Ease of access to these various areas provides denser uses without impacting many of the neighboring areas. The site will exit through other multifamily units and commercial districts before reaching Highway 2. The project is relatively flat and
adjacent to a floodplain district which will have limited future development thus mitigating the overall visual and structural impact of the proposed development and its density.

T. Protecting and conserving the value of buildings.
   a. NA

U. Encouraging the most appropriate use of land by assuring orderly growth.
   Please see response to letter S. Also, the request for a third building in Phase II of this development is based upon the ongoing demand for these workforce housing units. With our occupancy at 100% for Phase I and a waiting list already forming for Phase II, we want to accommodate for the large number of prospective tenants that are interested in moving to The Highline with an additional building in the next phase.
SECTION D106
MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

D108
REFERENCED STANDARDS

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<thead>
<tr>
<th>Standard</th>
<th>Description</th>
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<tr>
<td>ASTM</td>
<td>F 2200—05</td>
<td>Standard Specification for Automated Vehicular Gate Construction</td>
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<tr>
<td>ICC</td>
<td>IFC—12</td>
<td>International Fire Code</td>
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<tr>
<td>UL</td>
<td>325—02</td>
<td>Door, Drapery, Gate, Louver, and Window Operators and Systems, with Revisions through February 2006</td>
</tr>
</tbody>
</table>
July 3, 2019

Brent Brown
The Highline Apartments, LLC
brent@greenwaycapitalgroup.com

RE: Amendments to the phasing of the Highline Apartments, Columbia Falls

Dear Brent:

I received your letter of July 2, 2019 regarding changes to the order of phasing, moving the clubhouse from Phase 1 to Phase 2 and identifying a dog park as your phase 1 amenity.

Beginning Phase III as your next phase in order to lessen impacts on your new tenants and recently completed asphalt is considered a minor change to the PUD as each phase was about equal in unit count, parking count, and open space. I recommend that your engineer’s at TD&H consult with the Public Works Department so that they are all on the same page and looping of utilities are worked out appropriately.

Regarding the clubhouse and dog park, I also find these to be minor changes to the PUD. As you are already beginning the process for construction of the next phase and you plan to use a unit in Phase 1 as the temporary office, you are meeting the needs of the residents. As stated in your letter these changes are designed reflect the desire of your tenants

As the three proposed amendments are minor in scope and impact, this letter serves as your approval to make said changes and you are not required to go back to the Planning Board and City Council. Should you have any questions, please contact me at (406) 755-6481.

Sincerely,

[Signature]

Eric H. Mulcahy, AICP
Columbia Falls Planner
A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CI-1 (Light Industrial) to CB-2 (General Business) within the Columbia Falls Zoning Jurisdiction. The zone change request is scheduled for a public hearing before the Planning Board on Tuesday, October 15, 2019, at 6:30 P.M. A subsequent hearing will be held by the Columbia Falls City Council October 21, 2019 at 7:00 P.M.

BACKGROUND INFORMATION

A. PETITIONERS
   Weyerhaeuser NR Company
   220 Occidental Avenue S.
   Seattle, WA 98104

B. LOCATION/DESCRIPTION
   The properties are located at 500 12th Avenue W in Columbia Falls and locally known as the Cedar Palace. In total, six properties amount to 23.87 acres. The properties are described as Assessor's Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, T30N, R20W, P.M.M. Flathead County (See Exhibit A for Legal Description).

C. REQUEST
   The request would amend the zoning on the property from CR-1 (Light Industrial) to CB-2 (General Business). See figure 1 for current zoning. The site is currently the unoccupied Cedar Palace and Data Center however the bulk of the property is undeveloped. The potential buyer of these properties would like to use them for medical offices. The Cedar Palace which was the regional administrative office was considered accessory to the wood manufacturing facility. As a new medical office, there would be no accessory use to manufacturing and therefore necessitates the zone change to commercial where professional office is a permitted use.
D. **EXISTING LAND USE**

The property is the site of the old Plum Creek Cedar Palace and the Weyerhaeuser Data Center. The remainder of the site is vacant. (See Figure 2)
E. ADJACENT ZONING AND LAND USE:

Figure 1 shows the existing zoning and use.

<table>
<thead>
<tr>
<th>Direction from Site</th>
<th>Current Zoning</th>
<th>Current Use</th>
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<tbody>
<tr>
<td>North</td>
<td>CH-1 (Heavy Industrial)</td>
<td>Lumber and Plywood Mill</td>
</tr>
<tr>
<td>South</td>
<td>CB-2</td>
<td>Burger King, bulk fuels, MDOT Shop, and Auto Repair</td>
</tr>
<tr>
<td>West</td>
<td>CI-1</td>
<td>Hanson Trucking and Valcon Services</td>
</tr>
<tr>
<td>East</td>
<td>CI-1</td>
<td>Future light industrial park, City Shops and Pit to Park</td>
</tr>
</tbody>
</table>

F. GROWTH POLICY DESIGNATION

With the recent update to the Columbia Falls Growth Policy the map for the Cedar Palace properties was changed from light industrial to Commercial. As a result, the proposed zone change is in compliance with the Growth Policy Map. The commercial use will complement the industrial uses to the east, north, and west of the subject property.
The subject property is located adjacent to the City limits of Columbia Falls and will most likely annex into the City to connect to City Sewer and Water services. The property fronts 12th Avenue West and Truck Route which are Collector streets.

Excerpt from the 2019 Columbia Falls Growth Policy Map
G. UTILITIES/SERVICES

The property will most likely be annexed into the City limits of Columbia Falls.

- **Water**
  - The property will be served by City water.
- **Sewer**
  - The property will be served by City Sewer
- **Fire Protection**
  - Columbia Falls Fire Department
- **Police Protection**
  - Columbia Falls Police Department
- **Electricity**
  - Flathead Electric Co-op.

EVALUATION BASED ON STATUTORY CRITERIA

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

1. **Does the requested zone comply with the Growth Policy?**
   - The Columbia Falls Growth Policy Map designates the subject property for General Commercial Use. The zone change to CB-2 General Business complies with the long range planning document. (Figure 3)

2. **Is the requested zone designed to lessen congestion in the streets?**
   - The subject property is located along two designated collector streets (Truck Route and 12 Avenue West). Truck Route is intended for truck traffic for the neighboring industrial properties however it would also serve the office use as it has with the Cedar Palace. 12th Avenue West connects Highway 2 with the Truck Route and also intersects the Highway at a signalized intersection making for a safe crossing by both vehicle and pedestrians. The neighboring transportation system should be able to accommodate the anticipated traffic.

3. **Will the requested zone secure safety from fire, panic, and other dangers?**
   - The property is located adjacent to City Limits of Columbia Falls and will most likely annex into the City Limits to access the City sewer and water services as well as the Columbia Falls Police and Fire departments. According to the Flathead GIS Website, the property is not mapped within the Wildland Urban Interface. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J). The property is adjacent to a collector street and located near the Railroad tracks. This is an ideal location for general business use.

4. **Will the requested change promote the health and general welfare?**
   - The property is surrounded by either industrial uses or commercial uses and a railroad track runs along the southeast border of the property. This is not an ideal location for residential use. The proposed zone change is compatible with the neighboring uses and will promote health and general welfare.

5. **Will the requested zone provide for adequate light and air?**
   - The existing CI-1 setbacks are 20 feet in the front, 10-feet on the side, 15 feet on the side corner and 20 feet in the rear yards. The proposed CB-2 setbacks are zero except when abutting residential use. As the subject property abuts Commercial zoning along the entire southern boundary, the setbacks are not out of character and will provide light and air.
6. **Will the requested zone prevent the overcrowding of land?**

The proposed zone change closely complies with the Community’s long range planning document, the Columbia Falls Growth Policy, 2019 Edition. The proposed zoning matches the zoning designation for the property located directly south of the property. The subject site is suitable for either commercial or industrial use and the intensities associated with these uses are anticipated so there should not be any perceived overcrowding of the land.

7. **Will the requested zone avoid undue concentration of people?**

The proposed commercial zoning will have similar concentrations of people as the CB-2 zoning located along the subject property’s southern boundary and all along the Highway 2 corridor. The proposed zoning is compatible to neighboring zoning and will not create an undue concentration of people.

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

8. **Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**

The proposed zone change does not by itself provide or require the adequate provisions of infrastructure. However, when the applicants go through Building Permit review, the project will be reviewed for access, parking, sewer, water, etc.

The existing Cedar Palace parking lot is paved and the City Zoning Code requires all new parking lots to be paved, the building will be required to connect to City sewer and water, and the structure will be reviewed locally for building code compliance.

9. **Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?**

The subject property is sandwiched between industrial uses and commercial uses. The proposed zone change will take an accessory office building, the Cedar Palace, and allow the office to be the primary use with any associated commercial use. To the person driving by, they will not see any real distinction between a Timber Company Office and a Medical Office Complex other than some possible exterior remodeling and new signage.

![Photo 1 – Cedar Palace Building](image)
10. Does the requested zone give reasonable consideration to the character of the district?
The character of this neighborhood is commercial and industrial. The previous use of the building was office and the proposed use will be office. The zone change does consider the character of the neighborhood and through this Map Amendment will convert the office from an accessory use to a primary use.

11. Will the new zoning affect property values?
By converting the office building from an accessory use to a primary use, the property should be more valuable. The applicant indicates that there will be some exterior remodeling to bring the building up-to-date and if this happens the property would increase in value.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?
The subject property is designated in the Columbia Falls Growth Policy as Commercial. The text of the Growth Policy supports this location. The zoning to the south is already zoned commercial. It would appear that this is an appropriate location for the requested use.

**SUMMARY**
The property is designated “Commercial” by the Columbia Falls Growth Policy. The property is located adjacent to lands already zoned CB-2, CI-1 and CI-2. The proposed intensities are supported by the urban services and utilities of the City of Columbia Falls.
RECOMMENDATION

Staff finds that the subject sufficiently meets the adopted review criteria and supports the property rezoning from CI-1 to CB-2. Staff recommends that the Columbia Falls Planning Board adopt staff report CZC-19-01 as findings of fact and recommend approval of the zone change to the Columbia Falls City Council.

Exhibit A – Legal Description

Parcel 1:
Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

Parcel 2:
Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

Parcel 3:
A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;
Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);
Thence East 20 rods (330 feet);
Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;
Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.
PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED

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

NAME OF APPLICANT: Glacier Medical Associates, P.C.
MAIL ADDRESS: 1111 Baker Avenue
CITY/STATE/ZIP: Whitefish, MT 59937 PHONE: 406-862-2515
INTEREST IN PROPERTY: Prospective Purchaser under a Purchase and Sale Agreement

PROPERTY OWNER: Weyerhaeuser NR Company
MAIL ADDRESS: 220 Occidental Avenue S.
CITY/STATE/ZIP: Seattle, WA 98104 PHONE: 206-539-4352
INTEREST IN PROPERTY: Owner

PLEASE COMPLETE THE FOLLOWING:

A. Address of the property:
   commonly known as 500 12th Avenue West, Columbia Falls, Flathead County, Montana

B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number
   (Section, Township, Range)
   Comprising a portion of Tax Parcel Number 0698851 and Parcel Numbers
   0420445 and 0303400 as more particularly described in Exhibit A, attached
   hereto.
   (Attach sheet for metes and bounds)

C. Land in zone change (ac): 23.87

D. The present zoning of the above property is: CL1

E. The proposed zoning of the above property is: CB2

F. State the changed or changing conditions that make the proposed amendment necessary:
Glacier Medical Associates is under contract to purchase the property and operate it as an operator of a medical clinic. Due to the dynamics and changing demographic of the community, CB2 zoning will allow a range of complimentary uses suitable to the needs of the growing community. Accessible and affordable medical care is a primary need for the Columbia Falls community; this zone change will provide additional opportunities for the community to obtain high quality healthcare in a convenient neighborhood setting. Development of this property will include the permitted uses within the CB2 zone, further enhancing the use of the property as community centered, based upon the needs associated with growth and demographic.

**HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:**

A. Promoting the Growth Policy:
The vision set forth in the Growth Policy is “A community maintaining quality, embracing change” and this is precisely what this proposed zone change aims to accomplish. The quality of the current buildings fit well within the existing landscape, and the change from an industrial to a commercial zone is a reflection of the changing landscape of the community. It is important to the applicant, and the purchaser of the property that the community continue to benefit from the development of this property all the while retaining the characteristics of the past and adhering to the goals of the Growth Policy for the future.

B. Lessening congestion in the streets and providing safe access:
The property as currently exists has ample parking; with additional development all off street parking will be compliant with City ordinances and regulations.

C. Promoting safety from fire, panic and other dangers:
The property has and will continue to have code compliant buildings; in addition new development will be built to current code standards.

D. Promoting the public interest, health, comfort, convenience, safety and general welfare:
Development of the property will bring jobs to the community in a growing industry.

E. Preventing the overcrowding of land:
The proposed zoning has ample setbacks and assurances within the zoning regulations that prevent overcrowding of the land.

F. Avoiding undue concentration of population:
The proposed zoning does not create undue concentration of population; rather the bulk of the population usage will be during normal business hours of operation.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities:
Development will require code-compliant provisions of water, sewage and utilities; schools and parks will benefit from increased tax revenues.

H. Giving reasonable consideration to the character of the district:
The character of the district, with the population growth, is changing. Columbia Falls is becoming less of an industrial center, and with that change comes the opportunity for a new service industry and employer to serve the needs of the community. CB2 zoning allows for the expansion of service-based industries in an area of the
community where assisted living development has occurred, and where traffic patterns provide ample opportunity for medical complex development.

I. Giving consideration to the peculiar suitability of the property for particular uses. The property is well suited for the particular uses of the CB2 zone, and the required city service upgrades will enhance the value of this property as well as the surrounding area.

J. Protecting and conserving the value of buildings: Buildings on site will undergo a remodel, however the exterior of the buildings will remain largely the same, to meld with the mountain style architecture well-suited for the area. Property values in the surrounding area will be expected to increase due to the proposed professional medical office usage and development opportunities present in the CB2 zone.

K. Encouraging the most appropriate use of land by assuring orderly growth: The proposed zone change promotes the highest and best use for the property, adding amenities to a growing community.

[END OF DOCUMENT]

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

Applicant:
Glacier Medical Associates, P.C.

By: ________________________________  ________________________________
Its: ________________________________

Owner:
Weyerhaeuser NR Company

______________________________  ________________________________
By: Kristy Harlan  (Date)
Its: SVP & General Counsel

9/9/2019  ________________________________
  (Date)

07/01/2016
The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.

Applicant:
Glacier Medical Associates, P.C.

By: [Signature]

Its: [Position]

Owner:
Weyerhaeuser NR Company

By: [Signature]

Its: [Position]

(Date)

9/19/2019

07/01/2016
Parcel 1:

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SW1/4SE1/4 of said Section, 40 rods (660 feet);

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Thence North 40 rods (660 feet) to the subdivision line running East and West
between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of
Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway
purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.
APPLICATION PROCESS

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. The application must be accepted as complete by the Columbia Falls Planning staff thirty-five (35) days prior to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought.

2. A map showing the location and boundaries of the property.

3. A title report of the subject property.
The application fee is $1000 + $25 per acre. The total is $1595.00 and the fee has to be paid before the City will accept the application. The City will then bill the applicant for the adjoining land owners list and the mail of those letters. Usually an additional couple hundred dollars when its done. I emailed the app to the City Manager so that they have it when someone drops off the check. If they get the check in by the end of week I can get it on next month's Planning Board meeting.

Eric H. Mulcahy, AICP
Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901
Ph. (406) 755-6481
Fax (406) 755-6488

Hi Eric – attached is the executed rezone app. How much $ do you need from the applicant to start the process? Thanks!

Tammi Fisher
Fisher Law Firm PC
PO Box 1038
Kalispell MT 59903
Phone: 406-755-4212
Fax: 406-755-4214
e-mail: tammi.fblaw@gmail.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and as such is PRIVILEGED and CONFIDENTIAL. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, this serves as notice to you that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please delete the original message and any attachments, as well as all copies thereof, and notify us immediately via e-mail at tammi.fblaw@gmail.com or by telephone at (406)755-4212. Thank you.
September 5, 2019

Brad Bennett
Applied Water Consulting
P.O. Box 7667
Kalispell, MT 59904

Brent Foley, PE
Foley Engineering
28 Village Loop
Kalispell, MT 59901

Re: The Benches (subdivision)
Flathead County
Proposed Public Water Supply Wells- Conditional Approval
EQ# 20-1171

Dear Mr. Bennett and Mr. Foley:

Thank you for the well drilling specifications, engineering report, expedited checklist and Source Water Assessment and Delineation Report (PWS-6) and site layout pertaining to the proposed wells that will eventually serve “The Benches” subdivision, located east of Columbia Falls, received August 19, 2019, submitted under the seal of Brent Foley, #49474PE.

The well locations and drilling specifications for The Benches Public Water Supply wells are hereby approved with the conditions listed below. One copy of the approved well location site plan and well drilling specifications bearing the approval stamp of the Department of Environmental Quality is enclosed. A second set will be retained as Department Record.

The proposed Benches subdivision is designed to serve up to 49 homes and 30 rental cabins. Peak domestic and irrigation water demand is estimated to be 350 gpm. Fire flow from the PWS system is not planned at this time. A minimum of 2 wells will be drilled, although 6 potential well locations have been identified and approved for drilling, if needed.

The proposed “Community” PWS wells will be constructed of 8-inch diameter permanent steel casing. Grouting of the well will be performed with a 12-inch diameter temporary, oversized conductor casing providing a minimum bentonite neat cement grout thickness of 1.5 inches, to extend a minimum of 36 feet below ground surface or 5 feet into the top of the glacial till layer. A total minimum well depth of 200-250 feet is expected, in order to tap the deep aquifer.

Steve Bullock, Governor | Shaun McGrath, Director | 655 Timberwolf Parkway Suite 3 | Kalispell, MT 59901-1215 | (406) 755-3985 | www.deq.mt.gov
**Condition One:** Prior to connecting the PWS Wells to the future PWS system, submit plans and specifications for the PWS system and the subdivision for DEQ review and approval.

**Condition Two:** Following drilling of the PWS wells and prior to connection of the wells to the future PWS system, the following submittals must be made to DEQ for review and approval:

1. Documentation that the wells, to be classified as Community Public Water Supply sources, were constructed by a Montana licensed well driller and installation complied with ARM Title 36, Chapter 21 and DEQ-1 subsection 3.2.5 General well construction.

2. A copy of the completed well log (DEQ-1, Standard 3.2.4.3) with supplemental grout form.

3. Yield and Drawdown Test results demonstrating compliance with DEQ-1, Standard 3.2.4.1. These results must be submitted in the DNRC format (available on their website) both in hardcopy and electronically. The proposed well will be test pumped at 525 gpm (1.5 times 350 gpm) for 24 hours, or 350 gpm for 72 hours.

4. As a proposed "Community" Public Water Supply well, provide water quality sample results demonstrating compliance with DEQ-1, Standard 3.2.2.1 Microbiological quality, and DEQ-1, Standard 3.2.2.2 Physical and chemical quality. Specifically, water quality parameters shall include the following:
   - Coliform bacteria (2 tests minimum)
   - Nitrate, Nitrite
   - Alkalinity, Calcium, Chloride, Specific Conductance, Hardness, Iron, Magnesium, Manganese, pH, Sodium, Sulfate
   - Other Inorganic Compounds: Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Fluoride, Mercury, Nickel, Selenium and Thallium
   - Volatile Organic Contaminants (VOC’s)
   - Synthetic Organic Contaminants (SOC’s) including Pesticides and Herbicides
   - Radionuclides

5. Calculations regarding the pump selection and TDH of the water system and the design of the well screen (if applicable) prior to purchase and installation of the permanent components.

6. Documentation that the continued protection zone has been provided through zoning, easements, deed notices or leasing. Easements or Deed Restrictions must be recorded with the County Clerk and Recorders Office or well-control zone location and restrictions must be shown on the eventual Final Plat. (DEQ-1, Standard 3.2.3.2).

7. Documentation that an "Application for Beneficial Water Use Permit, Form No. 600" has been processed and a "Permit to Appropriate Water" is issued by the Montana Department of Natural Resources and Conservation, Water Resources Division for ground water wells in excess of 35 gpm or 10 acre-feet per year.
Approval is given with the understanding that any deviation from the approved well location and specifications will be submitted to the Department for reappraisal and approval.

It is further understood that well construction will be completed within three years of this date. If more than three years elapse before completing well construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to a Department enforcement action against a public water or sewage system.

Department approval of this project covers only those portions of the plans and specifications that are subject to the Department's review authority under the Public Water Supply Laws (MCA 75-6) and the Administrative Rules promulgated thereunder (ARM 17.38). This approval does not cover items found within the plans and specifications that are outside of the Department's review authority, including but not limited to: electrical work, architecture, site grading or water and sewer service connections.

Thank you for your efforts regarding this submittal. If you have any questions, please contact me at (406) 755-8979 or egillespie@mt.gov.

Sincerely,

Emily J. Gillespie, P.E.
Engineering/Bureau

cc: Jim McIntyre, Prairie Dog Development, LLC, 719 3rd Street West, Whitefish, MT 59937
Wendee Jacobs, Flathead County Sanitarian
Kathy Olsen, DNRC/WRD/KRO (electronic only)
Eric Sivers, DEQ Source Water Protection (electronic only)
PWS Plan Review File
Capacity of US Highway 2 East of Columbia Falls, MT
September 12, 2019

A2Z Engineering was asked by the developer of The Benches Subdivision to make a very brief review of the usage and capacity of US Highway 2 located adjacent to the proposed Benches Subdivision.

Planning review of the development found a probable daily traffic generation by the development of 760 trips per day. Of these trips, there are 50% entering, 50% exiting, and they will be further divided between the two separate entrance roads for the subdivision.

Highway Description & Current Traffic Counts
The highway segment fronting along the project site is an asphalt paved roadway running east-west. It is configured with two lanes eastbound, two lanes westbound, a center two-way-left-turn-lane, and eight foot wide paved shoulders on each edge. The speed is signed at 55 MPH and the alignment is generally level and straight.

The most recent traffic count publicized by MDT found an average annual daily traffic (AADT) volume of 12,136 vehicles per day in 2018. This is an average for the whole year, so the daily number will be higher in mid-summer and lower in mid-winter. Over the last five years the count has ranged from 10,750 to 13,784 AADT.

Roadway Capacity
Traffic engineers determine the capacity of highway segments based upon dozens of factors including roadway geometry, adjacent accesses and intersections, signal locations and spacing, grade, lane configuration, lane width, speeds, vehicle sizes, seasonal and hourly peaks in flow, etc. These are reduced to values for equations to be run through a mathematical model. The final output of such models is greatly simplified for use by the public through the assignment of a letter grade ranging between A (for a lightly trafficked free flowing roadway) to F (for a completely congested roadway). These letter grades are called a Level of Service (LOS).

In October 2017 the Federal Highway Administration released a document called “Simplified Highway Capacity Calculation Method for the Highway Performance Monitoring System”. This document seeks to provide a simple way to correlate specific road configurations and traffic volumes to a LOS. The simplification is intended for use in planning situations to guide discussions on the topic of roadways.

This document provides capacities at a LOS for a highway configured like US Highway 2 near the project. It is found in Table 15 under Signalized highway, 4 lane, 50% Green time, 55 MPH on page 28. Those values are:

- LOS “B” = 34,100 AADT
- LOS “C” = 36,900 AADT
- LOS “D” = 39,600 AADT
- Los “F” = 43,200 AADT

These values are the very maximum volumes that can be carried and not fall to the next lower LOS.
Results
So looking at the highest recorded AADT on US Highway 2 near the development (being 13,784 AADT), we can see that the volume would need to rise an enormous amount to begin to see any significant degrading of the roadway’s LOS.

This brief analysis is limited to the general review performed as outlined above. Greater analysis would require a more in depth review to determine site specific LOS for the road segment and related development impacts. Please call me if you have any questions or concerns.

Sincerely,

[Signature]

Robert Smith, PE, Professional Traffic Operations Engineer
Project Engineer
Traffic Count Site: 15-4A-013

Description: US 2, 137+0.466, E of Flathead Rv bridge
MDT Corridor Rte: C00000001E
Reference Marker: 137+0.466
County: FLATHEAD
Owner: MDT
Site Type: Short Term Count Site
ATR WIM
Vehicle Class: Y
AADT 2014: 12040(A)
AADT 2015: 10750(A)
AADT 2016: 13784(A)
AADT 2017: 13563(E)
AADT 2018: 12136(A)
MS2 Public Link: More info
MS2 Document: More info

Annual Average Daily Traffic (AADT)
September 24, 2019

Re: Public hearing notice for a Zoning Map Amendment for the 23.8 acres of Weyerhaeuser property in and around the Cedar Palace.

Dear Adjacent Property Owner:

Our records indicate that you are the owner of property owner 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 for a request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is location of the Cedar Palace and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the old Plum Creek Corporate Offices to be used for a Medical Office facility.

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 Thursday October 10, 2019 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 October 15, 2019.

Sincerely,

Eric H. Muleahy, City Planner
CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, October 15, 2019 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 October 21, 2019 starting at 7:00 p.m. in the same location.

Conditional Use Permit Application Request: A request by Randy and Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structures will resemble the existing structures. The properties is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

Request to Amend the Highline Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

The Highline Apartments LLC is requesting an amendment to the approved Planned Unit Development overlay that permitted the 207 unit apartment project located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The amendments include moving building E into Phase 2 and increasing the size of the wall sign for the project.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as “the Cedar Palace,” and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as on 500 12th Avenue West in Columbia Falls and is described as follows:

Parcel 1:

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

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Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 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 24th day of September, 2019