

**CITY OF COLUMBIA FALLS
PLANNING BOARD AND ZONING COMMISSION MEETING MINUTES
HELD FEBRUARY 14, 2023**

REGULAR MEETING – 6:30 PM

Chairman Vukonich called the meeting to order at 6:30 PM

PRESENT: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh and Singer

ABSENT: Shepard

Also present: City Manager Susan Nicosia, Contract Planner Eric Mulcahy, City Attorney Justin Breck, Police Chief Clint Peters, and Public Works Clerk Caleb Sobczak

APPROVAL OF MINUTES:

Approval of January 10th, 2023 Regular Meeting Minutes

Motion made by Kavanagh to approve the January 10th, 2023 minutes as presented, Seconded 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)

Matthew Padgett, 220 Larch Ridge, Columbia Falls, said in his opinion too many units have been approved in Columbia Falls in the last 3 years. He believes that there has been 42% growth in 3 years when the Growth Policy states there will be 25% growth in 10 years. Mr. Padgett is concerned with increased population and how it will affect traffic and jobs in the community.

Scot Schermerhorn, 1042 Waters Edge Way, Columbia Falls, said the City has an extended service plan that is dated 2001 and urges the Board to take a step back and update the plan.

PUBLIC HEARINGS AND ACTION:

Contract Planner Eric Mulcahy presented Staff Report CPUD-23-01 as Findings of Fact. RH2 LLC is requesting an amendment to a previously approved Planned Unit Development overlay for the property located at 812 4th Ave West. The original PUD allows nine residential units and three commercial spaces in two buildings on a half-acre parcel. The amendment would replace three commercial units with three residential units for a total of twelve residential units. The three-story buildings will meet the setback and height standards of the CB-2 (General Business) zoning district. Previously there was a variance to the parking requirements and that has now been removed providing the 24 required off-street parking spaces. The project complies with the 30% open space requirement. The property is described as Assessors' Tract 8AA (Parcel B of COS 12484) in the SW1/4 of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County. There are no deviations requested in the application. Staff is recommending approval of the amendment subject to the 13 conditions of approval.

Duffy inquired if there was discussion on the previously proposed commercial space. Mulcahy answered it was low impact office space, not necessarily retail. Duffy inquired about maintaining vegetation and tree growth on the property. Mulcahy answered the applicants will address that.

Singer asked if these units will be for purchase or rentals and if they will be short or long term? Mulcahy replied the applicant will elaborate on that aspect.

Jesse Hafen representing Dahlin Group said the project is broken into 2 buildings, the northern building consisting of 5 three-bedroom units and the southern building with 7 two-bedroom units. They will leave most of the vegetation on site, especially the big tree in the northeast corner. Each unit will have 2 parking spaces for a total of 24 parking spaces.

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The garage is the first floor, the second floor is for living area and the third floor consists of bedrooms. The texture of the building is used to break up the mass and hit the bridge between commercial and residential.

Singer asked what the intention of the rental units were. Hafen responded that they will be long-term rentals; this is the plan of the owner.

Byrd-Rinck stated the application says great care has been taken to maintain the existing mature trees, and asked if the other trees will be considered as well? Hafen said the trees shown on the site plan are the trees they are intending to keep.

Kavanagh asked about the sidewalk, will there be a boulevard as the renderings show? Hafen responded yes that is what is planned as the old sidewalk is in need of rebuilding. Kavanagh asked if the applicant would speak to snow storage on-site. Hafen said there will be snow storage areas on either side of the project. Kavanagh inquired if they would be alleviating any of the runoff onto adjacent properties with swales etc. Hafen responded in the affirmative they will retain their own water on-site. Kavanagh asked if there was a turning template done in this project for firetruck access. Hafen responded in the negative.

Vukonich asked Mulcahy about the layout of the project and how it bears a resemblance to the Habitat for Humanity project near Truck Route and if City Staff noticed any problems for snow removal or ingress/egress? Mulcahy answered the Habitat for Humanity project has a 1-way street which is much narrower, this project, has 20 feet of roadway and allows for two-way traffic. The applicants will be required to go through the City's approval process and the DEQ approval process to determine stormwater detainment on-site.

Kavanagh is seeking clarification if the site review by the Fire Chief Weeks was for this project or the previous layout. Mulcahy answered the site review is for the current layout and the Fire Chief did not have any concerns about the turn radius or the configuration throughout the project. Hafen stated when these are typically designed, they have the fire truck in mind but they have not tested it.

Chairman Vukonich opened the Public Hearing at 6:57 p.m.

Matthew Padgett, 220 Larch Ridge, Columbia Falls, said with the approval of this project he believes there will be 52% growth increase in 4 years, not 25% in 10 years since Columbia Falls is already at 42% growth in 3 years. Mr. Padgett is concerned with jobs and school vacancy.

Shirley Folkwein, 285 Shooting Star Drive, Columbia Falls is speaking for the Flathead Neighborhood Association and they support the project. This is where multi-family housing needs to be, within the city limits on the west side of the river said Folkwein.

Manolo Victor, 354 Kelley Road, Columbia Falls, said in his opinion the schools do not have funding to support additional children. This is a good location for multi-family but there is too much growth for the City to handle without addressing its infrastructure.

Lori Gaye, 674 12th Ave WN, Columbia Falls, wondered about accountability and having a 25% growth plan and city infrastructure.

Tom Pullen, 819 12th St W, Columbia Falls, said he recently took a tour of the new elementary school and it is state of the art with unused room planning for growth. Mr. Pullen does not believe these houses are not in character for the neighborhood. Traffic, parking and more people may be an issue.

Sharon Dunigan, 430 3rd Ave W, Columbia Falls, stated she works for the School District. She sees more and more people shoved out of their homes because of developments like this and believes this type of building is not Columbia Falls. Ms. Dunigan believes the area is overcrowded and roads are not maintained.

Mike Robertson, 1205 10th Ave W, Columbia Falls, says his property taxes have increased for infrastructure reasons. He wonders if the new people will be paying the same amount of property taxes he is paying, or will he be paying additional taxes for the people in these buildings.

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With no further Public Comment Chairman Vukonich closed the Public Hearing at 7:14 p.m.

A motion was made by Nelson to approve Staff Report #CPUD-23-01 as Findings of Fact, seconded by Lundgren.

Byrd-Rinck inquired on how much the rental units will rent for. Hafen answered that it has not been determined yet, but the focus is for families who will work in town.

A motion was made by Lundgren to add condition 14 to the PUD stating no short-term rentals will be allowed, seconded by Kavanagh. A roll-call vote was performed with all present voting AYES.

Duffy does not know the max density of this area but prefers to see this lot developed rather than remaining empty; it is a good area for development. Duffy also mentioned he would like to see a bike rack on site. Mulcahy said there is no max density in the CB-2 zone. We don't usually see residential in CB-2 but the PUD allows flexibility to determine if the use is appropriate.

Kavanagh commented this growth is what they want to take on being infill in the City, there are municipal services there and it is a vacant lot.

Byrd-Rinck asked the applicant if he could clarify how long the long-term rental periods would be. Hafen answered that the city defines that. Mulcahy answered the City regulates rentals over 30 days as long-term, and under 30 days, short-term.

Singer asked the applicant if the developer is considering selling the units. Hafen answered he does not have a direct answer, but the plan is for long-term rentals.

A roll-call vote was performed to accept Staff Report #CPUD-23-01 as Findings of Fact. All Board Members present voted AYES.

A motion was made by Duffy to recommend approval of the PUD with 14 conditions as amended, seconded by Kavanagh. Motion passed with all present voting AYES.

City Planner Eric Mulcahy presented Staff Report CZC-23-1 and CPUD-23-02 as Findings of Facts. The applicants, Twin Peaks Farms, LLC, High Country Land and Cattle (MT) LLC and 500 River Partners LLC are requesting a zone change for property located at 7030 Highway 2 East and 500 River Road in Columbia Falls. The properties are currently zoned CSAG-5 and CSAG-10 (Suburban Agricultural) with a 5 and 10 acre minimum lot size. The proposed zoning is a CR-4 (Urban Residential) zoning, with up to 8-units per acre. The two properties total approximately 22.5 acres and are located just east of the bridge over the Flathead River. The properties are described as Parcel 1 of COS 16981 (Assessor's Tract 3FB) and Tract 1 of COS 16958 (Assessor's Tract 3F) of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

The applicants are also requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the urban scale development is located at 7030 Highway 2 East and 500 River Road in Columbia Falls. The project consists of 180 residential units (99 single family attached units and 81 apartment units). The gross density of the project is 7.9 units per acre. The applicant is proposing 12.21 acres (55%) of the site as park and open space. With the project, the applicants are proposing to extend Columbia Falls Water and Sewer service to the site. Other than the clustering of density and the density bonus provided by the PUD regulations, the applicant is not requesting any deviations. Annexation of the property will happen subsequent to the approval.

The project was reviewed for the large building standards although it is not required to ensure it is providing the architectural elements zoning regulations. Stormwater will be managed on-site with treatment. Any subdivision approval in the State of Montana requires approval by the municipality and the Department of Environmental Quality. Private streets are proposed inside of the project, with two accesses onto the Highway. These accesses will need approval by the Montana Department of Transportation. If the Board chooses to approve the Zone Change and PUD with the conditions, those conditions create the contract with the developer by the City and the developer will need to comply with those conditions before moving forward. The applicant provided street cross sections that detail the 20 feet

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required for two-way traffic with detached sidewalks on one side and attached sidewalks on the other side. This is a for rent project so all of the units would be for rent and the applicants have offered to make all of these units long-term rentals, there is a condition already present that restricts short-term rentals. Parking analysis has been performed and the applicants are more than meeting the requirements and have provided guest parking throughout the site and at the clubhouse there is public parking to utilize the river frontage for access. The Traffic Impact Study did an analysis on the level of service for this project and there was no drop in service with the exception of the west bound approach going from a B to C at the peak traffic hour. The floodplain is confined to the river and adjacent to the river but there are several wetlands in the project. The developer has designed the project to stay out of the wetlands except for one crossing. For that crossing they need to obtain a permit from the Army Corps of Engineers. The man-made pond in the south east corner of the property is being preserved as open space. A geotechnical analysis was performed on the property and the Civil Engineer for the project has determined that this property is suitable for conventional construction. The applicants will be looking into a more detailed geotechnical plan upon approval. Staff is recommending approval of the project subject to the 24 conditions. Mulcahy read the 24 conditions for public benefit.

Singer mentioned she did not see any school bus locations in the subdivision. Mulcahy replied the City received a letter from School District #6 stating they can provide bus service. Mulcahy said the Planning Board can add a condition stating they must add a bus stop for the project, wherever the School District prefers.

Lundgren asked if city services were run under the river if the capacity would be just for this development or would there be capacity with future development on the east side of the river. Mulcahy replied it would be designed to be utilized for future expansion.

Vukonich asked about recommendation number 10, saying this project, unlike recent past projects, does not mention a traffic light. Mulcahy said the TIS for this project itself does not necessarily warrant a stoplight. But MDOT must still perform the System Impact Analysis and should MDOT disagree with this analysis and a traffic light is required the applicants will have to install one. Vukonich stated on page 122 of the provided TIS the date the data was provided to MDOT was Wednesday, July 21st 2021. Traffic has increased since 2021 and Vukonich questions the validity of the TIS. Mulcahy answered the trips on that day were well in excess of the average volume for the year but he will let their engineer address it more specifically. Vukonich inquired about recommendation number 19 and would like clarification on how the city will manage those parking spots. Mulcahy answered the parking spaces are still in the project which is private property, if someone is abusing the public parking spaces the owner has the power to ask them to leave. Vukonich wondered if they could condition the usage of those spaces to certain hours. Mulcahy answered in the affirmative.

Kavanagh sought clarification on the owner of the existing right of way. Mulcahy answered MDOT owns the spur that is going into the property. The applicant realizes their project hinges on the ability to acquire the land from MDOT. If they cannot accomplish that they cannot meet condition 1. Kavanagh wondered if the City has any design guidelines for wetland setbacks. Mulcahy answered we do not, nor does Flathead County.

Duffy asked Mulcahy if he knew of a culvert from this property underneath Highway 2. Mulcahy replied he believes there is likely a culvert underneath the highway but does not know the direction of the flow. Duffy wondered if the wetlands can tolerate the runoff from stormwater. Mulcahy said this is one of the reasons why the project needs to go through the DEQ stormwater review. Mulcahy said a subdivision cannot release stormwater at greater than predevelopment rates and DEQ will look at the water quality and may require bio treatment or mechanical treatment. Duffy is also concerned about the report from the Army Corps of Engineers on jurisdictional determination saying the new determination needs to be made after 5 years. Would this require a whole new determination since it was written May 30th of 2006. Mulcahy answered this is why there are two conditions of approval for project review of the wetlands.

Vukonich inquired upon PUD approval would the property be annexed immediately, and what happens if this project is cancelled after approval. Mulcahy said once a property is annexed it typically stays annexed and would remain part of the city, but it can always be develop at a lesser density.

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Kavanagh asked City Staff if they could give a summary of the water and sewer capacity. City Manager Susan Nicosia responded saying City staff is currently working with both water and sewer project engineers. Nicosia noted that there is not a single number that determines wastewater treatment plant capacity. There is a discharge permit number that is commonly used based on million gallons per day (mgd) discharge. The current plant design capacity is .71 mgd and we are currently operating at .44 mgd serving approximately 6000 people. The last few years our plant's flow (mgd) has decreased 1% per year but the strength has increased. In the project that is underway now we are adding additional carbon that is treating the strength and will add an additional .21 mgd. This project would get the City through the 2028 projections. The City is currently working on phase 2 and 3 of the 2018 preliminary engineering report and phase 4 is an additional bioreactor. In regards to water the city has added a third well and has water right capacity to be pumping approximately 70 million gallons per day. The city is currently operating at about 55% of that. Along with the water preliminary engineering report we have taken an aggressive stance on leak detection, repairing two mains and several service lines that resulted in a 12 million gallon/month savings. Kavanagh asked when the improvements to the treatment plant will be completed. Nicosia replied that since the current improvements are funded by ARPA funds, they will be completed no later than December 2024. The bioreactor project will start shortly after the Growth Policy update and the water and sewer PERs are updated in 2025.

Vukonich asked how city services would get to the project after boring under the river or under the bridge if there would be a split for future development. Mulcahy answered currently city services are at 3rd Ave. E. across from OHS' Body Shop and Iron Fitness, these services will be extended to the river. Mulcahy is not sure what side of the highway the boring or suspension would take place. They would extend to the furthest extent of the property and most likely there would be a provision for a T at an intersection of the project.

Singer asked about recommendation number 10 and 12 regarding not requiring a traffic light but having a pedestrian crosswalk across the highway. Mulcahy answered right now there is not a pedestrian access on the north side of the highway. Getting pedestrians across the highway would also require a permit from MDOT and is determined by MDOT. Singer asked if there was a possibility of putting a walkway under the bridge. Mulcahy said the Planning Board could add a condition to explore it.

Chairman Vukonich invited the applicant to give their presentation at 8:17 PM.

Rishi Kapoor with Location Ventures said they had conversations with local stakeholders and collaborators. They met with hundreds of people in the Flathead over two years. They heard two things the most, a desire to address the housing problems and being respectful to what makes Montana, Montana. They are bringing this project forward to help address these problems. They picked this area because it is part of the Growth Plan where a certain density and realistically lower cost of land so they can achieve lower price points. They believe they have tastefully designed a mostly single-family community that is mostly green and open space with access to the river. The current plan is to bring over 100 million dollars in investments to Columbia Falls, including paying for additional infrastructure. With that brings jobs and circulation in the local economy along with an increased tax base.

Patrick Barkey, Economist and Director of the Bureau of Economic Research at the University of Montana is in attendance to share insights on the Flathead County housing market. He performed an analysis of the market at the request of Location Ventures. The economy of Flathead County has the highest growth in more than 20 years and the second highest of any county in the state. There is a surge of in-migration to the county that has even predated the pandemic. The income of new arrivals from other states is significantly higher than those who have arrived from other places in Montana. This has put a lot of stress on the housing market, strong demand and limited availability has pushed prices up nearly 60% in the last few years. As recently as 2017 the median household income could afford the payment on a 30-year mortgage loan on a median priced home without spending more than 25% of their monthly income. This has changed and now in 2022 a median household income can only afford to make half the payment on a median priced home. There has been more growth in housing than there has been population growth but in the 2010s this pattern reverses. Before the 2000s income and housing were growing together but now housing price growth has surpassed income growth every single year. According to their analysis there is a deficit in housing leading to price growth and

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inhibits housing options. They have done a projection of how many people they expect to move to Flathead County in the next 11 years and what kind of growth there will be in the decade plus. They think Flathead County needs to add 1500 new housing units of all kinds and all price levels each year for a total of 15000 units by 2032. This kind of construction is needed to restore the balance. People are skeptical about more housing being built and the prices of houses falling because demand is also increasing and regulation is restricting supply making housing more expensive. In summary Flathead County economy will grow, housing affordability has deteriorated, there is ample evidence that supply has not kept up with demand. Efforts to address affordability without addressing the supply deficit are unlikely to succeed.

Frank Aster, Single Family Homes Division President for Location Ventures, said homes are meant to serve different types of families at different stages in their lives. The development is mostly single family attached homes with a front and back yards and a garage. There are also apartments for people with different needs. Homes are designed with traditional and contemporary architectural designs. They will offer 2-4 bedroom homes for new and existing families and the apartments will offer 1-3 bedrooms. They are addressing the missing middle of housing, townhomes and small apartment buildings. To the west of the site is the Highline Apartments and there is very little vacancy there which shows the type of housing in demand for the area. There is a neglected market population in this community that wants these sorts of homes. He believes this is an appropriate place for this type of use. They intend to create buffering for residents from the highway with various plant species. Around the clubhouse there will be a dog park and a family park with a playground. There is access space available between the clubhouse and the river not just for residents but for the public as well. There will be a bike path connected to the Gateway to Glacier Bike Trail and a pavilion that can be accessed by bikers with tools and pumps. They are open to different ways to design the area for wildlife movement and a safe place for humans. There will be mostly natural open space and an area around the clubhouse that will be maintained for the park and trails. These homes are for people who are already here that need homes.

Mark Rohweider, Civil Engineer licensed in the State of Montana and working for KLJ Engineering said the applicants are requesting an urban residential zoning, CR-4, with a maximum of 8 dwelling units per acre. With this zoning they can provide some of this missing middle of housing needs. There will be no short-term rental options in this development. About 55% of the property will be open space. This development exceeds the minimum requirement for parking and there are 36 extra spaces for guests to visit residents. Near the clubhouse, which will be private and only for residents, the 25 spaces are available to the public to park and access the river or the bike trails. There will be two access points to the development. At the western access they are proposing to move River Road to the east away from the bridge for safety and environmental concerns. The eastern access is a current access to the highway for the eastern property. The traffic impact study was started in 2022. The traffic impact study is the beginning of a long process with MDT, there is additional studies of traffic and access that will happen. Treatment of stormwater will be on-site. There will be hydrants inside the entire development. They have been provided a letter from the Corps of Engineers who have reviewed this area and have updated jurisdictional determination.

Chairman Vukonich called a recess at 9:03 p.m.

Chairman Vukonich called the meeting back into session at 9:16 p.m.

Lance Thomas spoke for the applicants about city services crossing the Flathead River. He said there are thousands of utility pipelines in the US crossing rivers. These crossings must be safe for the public and the environment so they go through certain design and operation steps. 99% of pipeline crossings go under the river. Over the last 20 years the method of drilling is the exact method proposed here. Boring under the river puts the pipeline out of harm's way and keeps the lines from freezing. To address the challenges, you will need a thorough geotechnical investigation and possibly a geophysical investigation. The pipeline can be installed very deep with directional drilling to mitigate scouring. To address leakage, you need to select a material that is twice as strong as it needs to be. Inspection of every joint and hydrostatic testing occurs on the pipe before installation and after installation a caliper tool is run through it to make sure it is not damaged in any way. After installation another pressure test is performed to ensure it will not leak during its service life. Inspection at regular intervals must occur so you can identify if deterioration is starting to occur and replace the pipe before it becomes a problem.

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Vukonich asked if there is pipe within the pipe on the pipelines. Thomas answered the ideal material for these pipes are probably high density polyethylene. Mr. Thomas said there is an 8-inch gas line currently suspended from the bridge belonging to Northwestern Energy. The pros to suspending utilities from the bridge lower the cost of installation. Technically you are nowhere near the river and can do the work from on the bridge, as well as easier access for maintenance with the option of visually inspecting the line. Challenges to suspension are you are exposed to the weather and the lines need to be kept from freezing with heat tracing that needs to be powered. Unplanned power outages would be unacceptable and they would need backup power. There would also be a higher maintenance and lifecycle cost, which would be borne by the users of the system. When the bridge needs to be repaired or modified these lines may have to be moved.

Duffy asked if the line is bored under the river would there be opportunity to video inspect the line after it is in place. Thomas answered that the short answer is yes and it can be performed periodically. In pressured lines the general inspection done uses electronic PIGS that are pushed by fluid or compressed air or pulled by a cable.

Singer asked how a leak is detected if the line is under the river. Thomas answered that you monitor the volume going in and out and if the two do not match you check for a leak. You would meter upstream and downstream of the crossing to avoid variances in usage by customers. Singer asked how to repair a leak. Thomas answered you would put in a new crossing. You are monitoring for deterioration and you would plan on replacing the line before a leak.

Vukonich asked what Thomas would estimate the life expectancy of a water and sewer line. Thomas answered that if the pipe is high density polyethylene, as long as it is never exposed to ultraviolet light and the system is not over pressured the life expectancy is forever. The design would be for at least twice the pressure there could be. Vukonich asked about the guarantee the city would get for this pipeline. Thomas answered it is a contract issue that would need to be negotiated.

Singer asked the applicants where they went to get the opinions of residents and who they spoke to. Kapoor said they met with the local Chambers, Rotary Club and some advocacy groups. Frank Aster clarified they are not implying that there was any collaboration or support; they met with Flathead Neighborhood Association, the Flathead Land Trust, Fish Wildlife and Parks and Gateway to Glacier for information gathering, introduction and feedback for incorporation into their application. Singer does not believe the values of the homes in this community will go down and does not know if we are having a massive influx of new people they believe is happening. Kapoor answered that they will have market driven pricing around \$2 per foot, a 600 square foot studio would imply a rent of about \$1200 a month. They will provide units up to 2100 square feet. They want to give people the choice of having multiple unit sizes.

Byrd-Rinck asked the applicant about their intention to rent all units. Kapoor replied yes that is the intention but they are open minded to a hybrid path of offering sale of stock in the various units, such as owning 50% and the developer retaining 50% but the market will decide. Byrd-Rinck sought clarification that no one in this development will be able to build equity since they do not own the units. Kapoor answered that owning a portion of the unit would allow them to build equity. Byrd-Rinck inquired on the length of leases. Kapoor answered they want the longest lease possible since they are not seeking short-term rentals. Byrd-Rinck also wondered if there would be any retreat type rentals for 4-6 months for seasonal or traveling workers. Kapoor replied no, the intent is to provide housing for locals. Byrd-Rinck asked in the 2-3 bedroom apartments if they will be renting them out room by room. Kapoor answered no it would be a lease for the overall unit, if someone has a roommate that would be their responsibility. Byrd-Rinck asked about the maps on page 76, 78 and 152 showing the proposed wildlife corridor. There are benches, trails for the public and streetlights where the wildlife will go and on page 152 there are structures there. Kapoor answered that the wildlife corridor is a recent conversation and they wish to work with experts in that field and it has not been fully thought out.

Vukonich asked if they are willing to give up some of their density for the wildlife corridor. Kapoor said we are still in discussion and this conversation came up very recently. Vukonich asked Barkey if his research in other communities has experienced this sudden growth and how they found the revenue to bring the infrastructure up to the level that is needed. Barkey answered the approach of some is to push the cost to developers. It is not a problem no community has been able to solve. Federal ARPA funds for municipal services have helped but many systems are still broken.

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Nelson asked about the article in the Flathead Beacon about the applicants claiming to be working with Fish Wildlife and Parks and the Flathead Land Trust but those groups said that they are not working with the applicants. Aster answered that there was an unfortunate use of the word partner, the interactions have happened but they used the word partner as more of an aspirational term but the intention is to collaborate. Nelson wondered what the dedicated housing was. Kapoor answered they wish to earmark a certain percentage of the units for certain trades who are unable to find other housing in the area, such as teachers. The underserved groups would be able to apply for the units first before others.

Kavanagh asked if there has been any thought given to the extent of the setback from the wetlands, as some of the units seem to be right on the wetland boundary. Rohweider answered the first step is to identify the wetlands and this scale is at more of the pictorial and the layouts would be adjusted. Kavanagh said currently there is no standard for the setback in place but can you speculate on what that will be for you. Rohweider said he does not know specific numbers but our approach is to protect the wetlands. Kavanagh asked about the boring logs experiencing static ground water at 2.2 feet, can you speak to how you plan on grading and dewatering the site as well as what foundations will be present. Rohweider said it will be part of the next geotechnical investigation if this project goes forward. Kavanagh appreciates the renderings but most of the trees shown are falling on MDOT right of way, how you intend on buffering from the highway. Aster said the render is representational and they will work in any way on a buffer and ultimately will be communicated in the landscaping plan. Kavanagh asked about the main lines coming from the previous development. Rohweider answered it was shown coming from the previous development but now they can change it to coming from where the lines cross the river. Kavanagh noted that they are demonstrating being able to bring city services across the river with fewer units than the previous developer, is the loading sufficient for this? Aster answered that based on the estimates done by their civil engineer they are comfortable with the cost.

Vukonich asked about the outflow further upstream and if it was part of the property and if it is part of the wetland. Rohweider answered in the negative and does not believe it is part of the wetland.

Chairman Vukonich opened the Public Hearing at 10:09 PM.

Scot Shermerhorn, 1042 Water Edge Way, Columbia Falls. Believes this is all apartments, but the zoning is for single family. They say it will take at least 4 years to build with the homes close to the access point built first and the rest will not be built. They misrepresented communications and are not being authentic. The TIS does not mention River Road and could create a major traffic problem.

John Naismith, 516 Pemble Drive, Columbia Falls said he is opposed to the development. This will further erode the quality of life in the community with more people and less recreational opportunities.

Matt Padgett 220 Larch Ridge, Columbia Falls. Apologized for previous remarks as he thought the previous comment period was for this proposal. Mr. Padgett said in the city and applicant presentations they never address statistics. For the sewer and water under the river the applicants say it will never fail, if that's the case why not accept financial liability? Sewer usage rates are at about 50% capacity with the approved growth we have already gone to full capacity.

Vukonich asked staff if they could give the Board their views on the statistics presented because as he understands they are not accurate.

Nicosia replied the Council will be hosting a workshop on February 27th, 2023 at 6:30 p.m. to review the Growth Policy and statistics according to what has been approved and calculations pursuant to state and federal regulations. Looking at the numbers the City does not come close to 42% but Council will do a deep dive into growth.

Daniel Selliger, 439 Rogers Road, Columbia Falls stated he keeps hearing developers say working class, affordable and attainable and believes it is wrong, he believes there are more homeless because people cannot afford the current prices. He is opposed to the development.

Luci Yeats, 315 Shooting Star Drive, Columbia Falls, said in 2006 there was a zone change request for this property from CSAG-10 to CR-3 and it was denied by City Council. In the minutes from a public hearing on the Growth Policy in 2005, she asked if any ground proofing had been done on the property in question and the then City Manager Bill Shaw replied

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not really. No one considered the ground water, density, or wildlife. Ms. Yeats finds the application incomplete. The NRCS soil survey maps say this area is not suitable for buildings. This could be mitigated but at what cost to the environment said Yeats.

Shirley Folkwein, 285 Shooting Star Drive, Columbia Falls, is representing the Upper Flathead Neighborhood Association. Said the wetlands on the south side of the highway flow year-round through a culvert to the north underneath the highway through a buried pipe in the field the developers plan to dig up. This field is a wildlife corridor. We are here to look at the zoning and this project does not fit with the character of the neighborhood and will overcrowd the land. The previous comments from the Planning Board about River Highlands saying it does not fit the neighborhood and is too dense can be applied here as well said Folkwein.

Darcy Thomas, 612 Sylvan Court, Kalispell, is the Vice President of the Flathead Autobahn Society. Montana Fish Wildlife and Parks with help from the River to Lake Initiative Partners brought in around 9 million dollars to secure Columbia Falls Aluminum Company lands south of the river. This area was purchased to secure protection of wildlife and lies about 500 feet from this proposed high density development. They obtained the Badrock Canyon Wildlife Management Area approximately a year ago and have not had a chance to do a lot of bird surveys in this area. With the 10 surveys done 91 bird species have been identified, these numbers will increase. All these species need connectivity; this development will block the corridor the wildlife needs said Thomas.

Anne Scott-Markle, 520 Badrock Drive, Columbia Falls. The Growth Policy was completed in 2019 before the big flood of growth into the area and now it is outdated. Scott-Markle asked if the Board has thought about a moratorium for zone changes until a new Growth Policy is in place. Who do we want to encourage coming to this community when we grow. Families with children and working people who want to live, rent and buy houses here, we need the diversity. You do not get it back the wetlands and farmland when you remove it.

Jeannie DeCarlo, 9 Cedar Pointe Loop, Columbia Falls, said it was valuable for her to stay at the Highline Apartments due to the affordability before purchasing her home. The proposed development has similar parks that she liked about the Highline Apartments. DeCarlo asks the Board to support common sense and reasonable housing projects that help reduce the gap between population and available housing. It's important to remain a welcoming community that embraces growth and ensures places to live.

James Druyvestein, 4196 Columbia Falls Stage, Columbia Falls, believes this proposal is not sensible growth. People are moving here because there is space to live. This zone change does not give reasonable consideration to the character of this district. 54% of the development is open space, but that area is a lot of marsh and wetland. The sewer and water under the river is still an issue. The city cannot maintain what they have and does not need more roads. None of the rivers that have pipes underneath them are attached to a federally protected wild and scenic river system. Freestone Rivers cannot be relied upon to contain a sewer pipe said Druyvestein.

Jacqueline Demongin, 4250 Columbia Falls Stage, Columbia Falls, said she is aware of the housing task force encouraging cities to approve zone changes to help with the housing crisis. Demongin asked who chose to include river front property in the Growth Policy, it was not the people. This zone change will cause congestion with or without a signal light and will change the character of the district. Demongin does not believe any developments belong along the river.

Courtney Stone, 225 Rogers Road, Columbia Falls, said in August of 2020 Montana Fish and Wildlife Commission endorsed a proposal to partner with Flathead Land Trust to purchase 800 acres from CFAC as a conservation project. It was fully funded a year later and went through conserving that property by the end of 2021. This development will dramatically affect the Badrock Canyon WMA that is 525 feet from this proposed development.

Maggie Fullerton, 225 Rogers Road, Columbia Falls, is worried with the zone change there will not be much wildlife left in the area. Fullerton is also concerned with the impact of this amount of people so close to the river.

Glenn Wehe, 267 Rogers Road, Columbia Falls, said the developer doesn't know where the wetlands or water is and how it percolates. Mr. Wehe is opposed of the development.

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Eleanor Smiley, 2950 Columbia Falls Stage, Columbia Falls, said growth is inevitable but you can control how it is done. Ms. Miley is opposed to this development and is concerned with the increase in light pollution, city services crossing the river and our school system.

Evon Heaser, 160 Nucleus Avenue, Columbia Falls, said the developer is requesting going from agriculture land to an urban designation. Ms. Heaser is concerned with traffic issues and the wildlife corridor.

Fred Haas, 4188 Columbia Falls Stage, Columbia Falls, asked if single parents with kids working multiple jobs could afford these apartments. There are too many houses for the amount of space that is being developed. Can the water system handle the increase in population as other developments come in? Traffic is another concern Mr. Haas has due to the amount of existing traffic.

Phillip L. Matson, 1125 Raven Lane, Columbia Falls, said he is opposed to the proposed development. Tract 3FB was recently rezoned in 2021 from CSAG-10 to CSAG-5 with the purpose of splitting the property so the applicant can build a house for himself and his son. This development is to build a mini town. The Growth Policy did not envision a project of this density and this development will add stress to infrastructure along with congestion. Mr. Matson believes 100% of the wetlands will not be preserved as stated and may become compacted during construction.

Geri Cochrane, 163 Tumbleweed Trail, Columbia Falls, is concerned with what kind of wildlife corridor will be left after the development is complete.

Jerry McLaren, 293 Bench Run, Columbia Falls, stated the Planning Board has a lot to protect in this area as this development serves the developer not the people. Be ready to address questions if the development gets approved, you have a hard decision to make.

Ruth Clawson, 355 Rogers Road, Columbia Falls, said the development doesn't fit the character of openness in the neighborhood with three story buildings. Neither proposal of drilling under the river or suspending services from the bridge is a good idea as both have the possibility of failure.

Gary Hall, 140 Steppe Lane, Columbia Falls, said under statutory criteria in zone changes, 7 of the 11 do not conform. There will be overcrowding of the land. Under the PUD, 8 of them do not conform. There was not reasonable consideration to the character of the neighborhood. There will be impacts on the wildlife. The extension of services will add expense and maintenance needs and is discouraged. Page 56 of the Growth Policy says that the development of the Growth Policy is an ongoing process to keep abreast of changes and the thinking of the community. There is a need to revise the Growth Policy.

Chairman Vukonich closed public comment at 11:11 PM

A motion was made by Nelson to accept Staff Report CZC#23-01 as Findings of Fact, seconded by Duffy.

Smith asked City Staff about recommendation number 24 of the PUD, if approved the property would be annexed by the City. Mulcahy answered that the applicants have an application for annexation; if the application is approved by the Board the property will be annexed.

Duffy is perplexed about how the density is calculated with 22 acres and the number of units planned and how it came to 7. It seems to him that acres that are underwater or soggy are being counted. Mulcahy answered that in the PUD regulates density based on gross acreage of the property.

Vukonich said the requested zone change would allow up to 8 units per acre and the application is for 7.9. Mulcahy answered for clarification the requested zone of CR-4 does not allow for 8 units per acre it is the PUD that allows additional density but the Growth Policy caps it.

Kavanagh has concerns about the number of questions that he has pertaining to the nuts and bolts of this project. Mitigating the problems faced in developing this type of land is possible but that does not mean it is the right thing to do. There are a lot of unanswered questions in regards to groundwater and wildlife corridors that make it difficult for him to say he is doing his due diligence. Kavanagh agrees we need housing in the community but is concerned as a

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teacher about the school system and the cost of these rentals. Does not see that it reflects the neighborhood or does not promote overcrowding of the land and when they were developing the Growth Policy they were unaware of the land to the north becoming a wildlife protection area. Single family homes are thought of as their own units on lots, not townhomes.

Byrd-Rinck commented that they are continuing to work on connecting habitat for deer, elk threatened and endangered species from Glacier to Yellowstone. Developers are trying to divide their habitat, the applicant is proposing to remove a wildlife corridor and she is opposed to this development.

Lundgren said this development is a half mile away from town and there is no plan for the children to ride their bike or walk into town, there would need to have a plan for this. Fish and Wildlife says the development of this property will have significant and negative impacts on wildlife on this parcel.

Singer believes the infrastructure needs to improve before more developments are approved. She believes the city needs to slow down and see what will happen. Traffic has changed dramatically and we are not even in tourist season.

Vukonich questioned moratoriums and if that is even something that is feasible for a community. Mulcahy answered that legally a moratorium would probably only be applicable if there was a health and safety issue such as a shortage of water or no sewer capacity. If there is a demand for housing and it is not addressed people will still come and prices will increase. The areas such as Jackson Hole, Sun Valley and Aspen some people have said we should look at every expensive development, an 800 square foot condominium can sell up to 1.2 million dollars. This is why the Growth Policy has statistics in it. It is not so much that the City is trying to hit a particular level of growth; it is looking at past trends and trying to predict what we might need. Even though there was little to no growth in 10 years the Flathead Valley is still experiencing high demand and has a low supply of housing. If the Growth Policy was opened up tomorrow we would still be looking at the issue of where we would be putting the housing that is needed.

City Attorney Justin Breck does not like hearing the word moratorium because you run the danger of being sued. If you put a moratorium on growth that says all land owners are prevented from developing their land the bar you would have to reach legally to prove that it is a big enough emergency to justify a moratorium is very high. Vukonich thanked Staff for the clarification saying Montana is a state that prides itself on individualism and rights of owner's land.

Chairman Vukonich called for a roll call vote on the motion to accept Staff Report CZC#23-01 as Findings of Fact. AYES: None, NOES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, and Singer. ABSENT: Shepard

Chairman Vukonich called for a motion to send this item to City Council without Planning Board recommendation. Motion was made by Singer and seconded by Nelson. A roll call vote was performed AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh, Singer NOES: None ABSENT: Shepard

Mulcahy sought clarification on his notes to bring this forward to City Council. His notes were as follows: concerns with high groundwater, concerns with wildlife, overcrowding of land, looking at the Growth Policy the Badrock Canyon WMA is a new land use in the area that was developed since the update, concerns with this being a wildlife corridor, concerns with pedestrian access being a safety concern, concerns with the project doesn't meet the character of the area and some infrastructure needs to be developed within the city for development. Vukonich also commented that the Board feels that the traffic impact study is deficient as well as the mitigation to the impacts on the wetlands.

Chairman Vukonich called for a motion the CPUD#23-02 does not comply with zoning. Motion was made by Kavanagh and seconded by Duffy. A roll call vote was performed AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Duffy, Kavanagh and Singer NOES: None ABSENT: Shepard.

This agenda item will be seen by City Council at the Columbia Falls Junior High Cafetorium at 6:30 PM on March 20th, 2023.

Kavanagh addressed the audience and City Staff saying perhaps now is the time to open up and take a look at the Growth Policy a little ahead of the 5 year deadline since there has been such good public involvement in this process.

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ADJOURNMENT – Meeting duly adjourned at 11:40 PM

Chairman

Attest:

Public Works Clerk