

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JUNE 15, 2021**

CALL TO ORDER AND ROLL CALL:

Chairman Vukonich called the meeting to order at 6:30 p.m.

Present: Russ Vukonich, Sam Kavanagh, Mike Shepard, Clay Lundgren, Patti Singer, Robert Smith, Kurt Nelson, Steve Duffy and Claudette Byrd-Rink (6:55 pm).

Also present: City Manager Nicosia, City Planner Mulcahy, Public Works Clerk Vissotzky, and City Attorney Breck (via Zoom).

Approval of May 11, 2021 Regular Meeting Minutes:

Motion made by Nelson, Seconded by Kavanagh. Voting Yea: Vukonich, Shepard, Nelson, Singer, Smith, Kavanagh, Lundgren, and Duffy.

VISITOR OR PUBLIC COMMENT: None.

PUBLIC HEARINGS AND ACTION:

Chairman Vukonich read the notice of hearing and asked for the staff report presentation for CZC-21-04:

The applicant, Jean Flynn, is requesting a zone change at 221 Rogers Road in the Columbia Falls area from the current CSAG-5 (Suburban Agricultural) to a CR-1 (Suburban Residential) designation. The property is approximately five acres with a residence and outbuildings. The property is described as Parcel B of COS 16149 (Assessors' Tract's 9A, 1AA, 1ABAA, and 8A) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CZC-21-03, reviewing each of the Findings of Fact. The requested zone change of CSAG-5 Suburban Agriculture to CR-1 Suburban Residential complies with the 2019 Growth Policy. There is property zoned as CR-1 to the north and a surrounding mix of CSAG-5 and CSAG-10. Mulcahy noted that the zone change allows it to be split, either by Subdivision or Family Transfer; either way it is an additional process to the zone change.

Chairman Vukonich asked the Board if they have any questions for staff. Duffy asked Mulcahy if there was a previous request to change zoning on this property and confirmed compliance with the Growth Policy. Mulcahy replied that this was the first zone change request on this property although the adjacent property was rezoned to CR-1. Mulcahy also presented a map of the area zoning and densities that he had prepared at the request of Shepard.

Olaf Ervin represented Jean Flynn, the applicant. The applicant agrees with the staff report. Ervin noted that the applicant has had test holes completed to determine if a septic is possible before the zone change request was made. The applicant plans to transfer some of the property to her daughter if the zone change is approved.

Chairman Vukonich opened and closed the hearing at 6:44 p.m. No one wished to give comment to the Board.

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Kavanagh stated that this project is consistent with the 2019 Growth Policy and the neighborhood. Vukonich asked Mulcahy to clarify the family transfer provisions. Mulcahy noted that the rule is one transfer per family member per county.

Motion made by Shepard to adopt Staff Report CZC-21-04 as Findings of Fact, Seconded by Duffy. Voting Yea: Vukonich, Shepard, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Motion made by Shepard to recommend Approval of Zone Change to City Council, Seconded by Nelson. Voting Yea: Vukonich, Shepard, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Planner Mulcahy reported that he will present both staff reports, the PUD and Preliminary Plat and then the Board will hold one hearing on the next two agenda items.

Chairman Vukonich read the notices of hearing and asked for the staff report presentation for CPUD-21-01 and CPP-21-01: The applicant, RH Joint Holdings, LLC, is requesting a PUD Overlay for property generally located north of Lemberg Lane between North Hilltop Road and Meadow Lake Boulevard. The property is 28 acres in size and is zoned with a combination of CR-1, CR-2, and CR-3 urban residential zoning districts. The PUD will allow the applicant to cluster lots into single family attached and detached units preserving 11.42 acres in park and open space. The overall density of the project is 3.55 units per acre. In addition to the clustering, the applicant is asking for a front yard setback deviation for the alley loaded townhomes.

The applicant, RH Joint Holdings, LLC, is also requesting preliminary plat approval for property generally located north of Lemberg Lane between North Hilltop Road and Meadow Lark Boulevard. The applicant will subdivide the property into 102 units with a combination of single family detached, two unit attached, and four unit attached structures. The subdivision will place 11.42 acres of the 28-acre parcel in park and open space and develop an overall density of the project is 3.55 units per acre. The subdivision has two access points one from Meadow Lake Boulevard on the east and the other on North Hilltop Road to the west. All internal subdivision roads will be developed to City standards with curb, gutter, sidewalks, and boulevard trees. The property is described as Parcel 1 of COS 14679 excepting therefrom the property within the Plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Reports CPUD-21-01 and CPP-21-01 reviewing each of the Findings of Fact and Conditions. Garnier Heights will have a total of 102 units on 11.42 ac. The units will be a mixture of 26 detached single-family homes and 76 attached single family homes, also called townhouses. There will be two access points, one on North Hilltop Rd and one on Meadow Lake Blvd. The PUD would relax the lot's size and coverage in return for 39% open space. The underlying zoning is a combination of CR-1, CR-2, and CR-3 as approved in 2007. The development is supported by the Growth Policy. The City will annex the subdivision and it will be connected to city water and sewer reported Mulcahy. (Claudette Byrd-Rinck arrived at 6:55 PM) The inner loop townhomes will be rear loaded with a 20' alley to allow for more on street parking. The outer loop homes will be front loaded. The open space is to stay natural with a small park development. The subdivision will be built to the City and MT Public Works Standards. Mulcahy noted that the applicant provided a Traffic Impact Study (TIS). The TIS noted little to no impact to the level of service provided including this development. Mulcahy noted that both Columbia Falls Police and Fire Chiefs reviewed and approved the plan. Mulcahy reviewed the 8 recommendations in the PUD and the 22 conditions in the Preliminary Plat. Mulcahy reported that Staff recommends approval of the PUD and the Preliminary Plat.

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Chairman Vukonich asked the Board if they have any questions for staff. Shepard asked if there was to be a lift station for the interior sewer plan. Mulcahy deferred that question to the applicant's engineer and presentation. Singer questioned the school bus accessibility. Mulcahy replied that this area is within School District 6's bus route. Mulcahy noted that the School District will likely request an interior pull out or a marked location. Vukonich noted in the past that the School District would review the subdivisions for school capacity. Nicosia stated that capacity is not an issue with the elementary school expansions as well as at the Junior High and High School. Mulcahy noted that usually no news is good news when submitting letters to government agencies. Duffy was concerned about the extrapolation of the 102 units only having 39 predicted kids and that that should require a bus stop. Mulcahy stated the School District already has bus routes serving that area and they will address the transportation specifics. Kavanagh wanted it noted a typo in the PUD, section E, page 3, noting language that was a holdover of text from the Benches PUD report. Mulcahy will have it redacted. Lundgren asked about the Fire Chief's review. Mulcahy stated the Columbia Falls Fire Chief approved the design and the ability to provide services. Vukonich asked if the water and sewer would be looped. Mulcahy responded that it is not always possible to do so, such as in this case. A water hydrant will be installed to manually release pressure on the end lines as scheduled, in order to keep fresh water. Singer questioned why the traffic study was performed in April. Mulcahy said it was due to the project's timeline. Traffic studies are done 365 days a year and data is extrapolated to give models for averages.

Chairman Vukonich asked if the applicant wished to address the Board. Applicant representative Bruce Lutz, of WGM Group, noted he was involved in the Meadowlake development and also lives in that subdivision. Since the Traffic Impact Study questions were asked, Lutz noted that the Traffic Impact Study used all Montana Department of Transportation (MDOT) seasonally adjusted data available. The extrapolation of the data accounted for Covid and seasonal traffic usage spikes. The intersection at Meadow Lake Blvd. will be completely redone including the guardrail. The existing wetlands delineation was vague so the applicant had a wetlands delineation study performed by a specialist. The design of the subdivision uses the land efficiently and leaves 39.8% (over 11 acres) open space. Lutz noted that per zoning, 107 lots were possible but the design is for 102 marketable lots that efficiently use the land. Lutz noted that the applicant concurs with the PUD and Plat conditions.

Chairman Vukonich asked the Board if they had any questions for the applicant. Shepard asked if the land will be clear cut or if trees will be saved. Lutz responded that the land will be parked out but they will keep as many as possible. He also remarked that a designated bus stop is likely. Singer asked about a turn lane and remarked that MDOT doesn't have a green left arrow at Meadow Lake Blvd and Highway 2, only a flashing yellow. Lutz responded that the intersection plan will be reviewed by the City and MDOT and that signal and pavement changes would likely improve the area. Kavanagh noted that the averages used in paragraph 4 of the traffic study were only on Highway 2 in April. This is not peak traffic and no weighted averages make it difficult to extrapolate the data. Kavanagh noted that since no loss of service is shown in the traffic impact study, the MDOT will likely not act. He was not sure if MDOT would come to a discussion. Shepard noted this was not in the Boards' purview. Mulcahy stated the area will become a part of the City eventually and that Kavanagh was attempting to build a case for improvement to bring to MDOT. Lutz stated the City is currently working on a comprehensive Transportation Plan with MDOT. Nicosia said the plan is in rough draft and Public Hearings on the plan will begin this fall. Lutz said the project complies with the Growth Policy. Vukonich asked about the sidewalks and pedestrian access in the area and how that applies to the other project in an earlier meeting. Mulcahy stated there was no prior discussion on the project's pedestrian access because the Board only

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discussed the zone change staff report. Lutz said the traffic study did recommend a pedestrian route in the future. Nicosia said the City will not assume ownership of Meadow Lake Blvd immediately as only the intersection is adjacent to the roadway, not the subdivision properties. Nicosia discussed how road ownership works and how the City and County maintain adjacent areas. Lutz said there is less than one mile of new roads in the subdivision. Kavanagh confirmed a 60ft road ROW and a 20ft alley ROW. Duffy stated the playground is not adequate and that the location is not prudent for use. Duffy said kids will go play in the creek and that can be unsafe. Lutz said other playground locations are possible. Lutz noted that the applicant will likely add more playground equipment than stated in the conditions. Duffy said the 5ft side set back is very close, although this is the standard side setback in the zoning regulations. Vukonich questioned that the amenities could change? Lutz said it is possible as the project develops that the open spaces can change. Duffy asked about tree planting, with Byrd-Rinck commenting if the native trees would be left. Lutz said they will replant along the street and that the open space areas will be left natural. Vukonich stated that Lots 47-52 are not contiguous to the rest of the development, have a sidewalk, and are only accessed from North Hilltop Rd. Lutz confirmed they are on North Hilltop Rd and are a part of the subdivision. The sidewalk is to connect them to the subdivision's amenities.

Mike Brodie, civil engineer for WGM, reported that there will be a lift station north of Lot 21. The projects only road upgrades will be at the intersections with Meadow Lake Blvd and North Hilltop. The bus stop is proposed to be by the lift station. There will be approximately 39 kids and their access will be worked out in a separate with the school district. Brodie noted that the fire and police departments approved the subdivision plan. The water main will have two interior loops and the extension will allow for future growth. Brodie added that the traffic study could add more data but the applicant has to trust the traffic engineer's recommendations and findings. There is currently 39% open space, trees will likely be left for the builders to cut to spec for each house.

Chairman Vukonich opened the Public Hearing at 8:10PM. There was one letter of opposition received today by the City Clerk and distributed to the Board at the hearing.

Mary Winn, 1030 Lemburg Ln. She has owned her house since 2004 and was at the original zone change meeting. She was originally told the lots would be limited to a larger size. She questioned how will North Hilltop Rd be improved and why not a paved trail instead of a sidewalk. Street lights will ruin the rural feel. She will look at the packet and speak again as she had not seen the full plan.

Cindy Martin, 1010 Lemburg Lane stated that there are sight issues on North Hilltop Road. It is posted with a 25mph speed limit, but people drive much faster and there are no sidewalks currently. People from the subdivision will play in the surrounding woods and cause issues.

Planner Mulcahy described the project and showed the map to the public for clarification.

Marlin Kauffman, 420 Bachelor Grade, Kalispell. This area is in a housing crisis. This project has the possibility of providing a variety of housing options. The county roads in general have issues that need to be addressed. This is a well thought out plan and the area needs it.

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Mary Winn, spoke again after reviewing the plat. She noted that there are two single family homes next to her property and she would like a fence or barrier separating them. Lutz replied to her concerns noting that the lots are ½ acre in size. He stated that the developer can talk to her directly about a fence.

Jeff Barker, 205 Dawn Dr. He stated that he walks in the area every day and thinks the subdivision plan is ok. The 6 noncontiguous lots on the NW corner are not connected to the rest of the subdivision and he has concerns about utilities to them. He stated that it will be very difficult to access North Hilltop Road as people speed and there are existing safety concerns in that location. Mr. Barker said many cars slide off the road there.

Chairman Vukonich closed the Public Hearing at 8:30 PM Vukonich called for a 10 minute break. The meeting resumed at 8:40 PM.

Vukonich asked the Board if they had any questions of the applicant or staff. Duffy asked if the project will be phased. Mulcahy stated the applicant would build in one phase, phasing was not requested. Lundgren was concerned about the county roads and how there is little communication with the county. Shepard said that's the process and the County does not weigh in on the subdivision roads but they will provide permits for the intersecting roads. Lundgren asked if communication with the county was in the staff report. Mulcahy responded that it is a condition that the applicant will obtain permits from the county. Vukonich asked about the timeline. Lutz said it depends on the market and permitting. They would like to start in the spring and anticipate it to take 2-3 years to build. Kavanagh asked about alley parking, which is not allowed.

Motion made by Kavanagh to add Condition 9 to Staff Report CPUD-21-01 as follows: No overnight parking permitted adjacent to the Parks or Open Spaces. The motion was seconded by Duffy. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy and Lundgren.

Vukonich asked about the closest trail proximity to the project. Mulcahy said there is one to the south on Meadow Lake Blvd by the Timber Creek Assisted Living Home.

Motion made by Kavanagh to adopt CPUD-21-01 as Findings of Fact with Conditions as amended, Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Motion made by Kavanagh to recommend approval of PUD to City Council. Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy and Lundgren.

Kavanagh Motioned to add Condition 23 to CPP-21-01as follows: Plat notes shall be added to the face of the plat stating that all Solid Waste is to be stored indoors or enclosed except on refuse collection day. Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Singer stated that she would like to see larger playgrounds. Lutz suggested a condition for a playground and maintenance plan.

Singer motioned to amend Condition 16, as follows: A comprehensive playground plan, including maintenance, will be presented and approved by the City before final plat. Seconded by Byrd-Rinck. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

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Kavanagh confirmed that the pump grinders for sewer will be homeowner maintained. He questioned if there is proof of presentation of the project to MDOT. Brodie said that should be part of the Comprehensive Transportation Plan and not the plat.

Kavanagh motioned to add Condition 24, using standard planning language, stating that “The applicants shall request the Montana Department of Transportation to consider signalizations and timing movements at Hwy 2 and Meadow Lake Blvd and Hwy 2 and North Hilltop. Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Duffy asked about the engineering for the road improvements. Lutz indicated that is part of the County’s approach permit. Kavanagh asked if the funds for a sidewalk adjacent to Lots 47-52 could be paid cash in lieu and put towards a larger project. Nicosia said a sidewalk along North Hilltop is far in the future. Mulcahy noted that the sidewalk from those lots is supposed to connect them into the subdivision. Vukonich asked for clarification on where the sidewalk connected in the subdivision. He stated that public comment wanted a pedestrian route although currently it would be a stand-alone piece. Lutz replied it could connect to Hailey Way in the subdivision. Kavanagh suggested to have the City figure out the route with the developer to plan both a current and future route for the Hilltop area.

Kavanagh motioned to add Condition 25, as follows: “At the City’s discretion, cash in lieu of installing a sidewalk can be explored along Lots 47-52 adjacent to North Hilltop provided a trail connection into the subdivision is provided prior to final plat. Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Motion made by Duffy to Adopt CPP-21-01 with Amended Conditions as Findings of Fact, Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

Motion by Singer to recommend approval of preliminary plat to City Council. Seconded by Duffy. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy and Lundgren.

Nicosia presented the report on the proposed Urban Renewal District expansion to the Board, noting that the 2021 Urban Renewal Plan conforms to the 2019 Growth Policy and Zoning. The expansion is requested for the property formerly known as the Cedar Palace along with the surrounding 23.87 acres on seven parcels. The purpose of the expansion is to allow Tax Increment funds to be spent on public infrastructure within the defined area. The property is located at 500 12th Avenue West and described as Assessor’s Tracts 8, 8B, 8F, 8G, 8HA, 8H, and 8E. The proposed expansion complies with the Growth Policy and Zoning regulations. Nicosia noted that City staff met with the School District Board, and they voted unanimously to support the expansion. Further, City staff discussed the expansion with Flathead Commissioner Brad Abell. Nicosia noted that the Medical Complex is full and the owners would like to develop more buildings, related to their medical complex, on their campus. Nicosia reported that the Urban Renewal District expansion would allow the City to use Tax Increment Financing to help reimburse their development costs in exchange for the community growth and job creation.

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Duffy asked why the City has to get the School Boards input. Mulcahy stated that the URD expansion would delay the tax dollars from the property that would go to the School District. Mulcahy noted that the growth is good for everyone so the School supports that.

Motion made by Nelson to Recommend to City Council: 2021 Columbia Falls Urban Renewal Plan conforms to both the 2019 Growth Policy and the Zoning within the expansion conforms with the Growth Policy, Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, Duffy, and Lundgren.

ADJOURNMENT

Motion made by Shepard to adjourn at 10:05 PM, seconded by Singer.

Chairman

Public Works Clerk