

CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD FEBRUARY 09, 2021

CALL TO ORDER AND ROLL CALL

Present: Russ Vukonich, Robert Smith, Claudette Byrd-Rinck, Sam Kavanagh, Mike Shepard, Clay Lundgren Patti Singer and Kurt Nelson (via Zoom). Absent: Steve Duffy.

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

BOARD REORGANIZATION:

City Manager Nicosia asked the Board to welcome Clay Lundgren, a new city member to the Board as he was recently appointed to the position by the City Council.

Motion by Shepard to nominate Vukonich as Board Chairman, second by Kavanagh. All members voted in Favor. Absent: Steve Duffy.

Motion by Singer to nominate Shepard as Board Vice Chairman, second by Lundgren. All members in Favor. Absent: Steve Duffy.

APPROVAL OF MINUTES:

Approval of November 10, 2020 Regular Meeting Minutes

Motion made by Shepard, Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, and Lundgren. Absent: Steve Duffy.

Public Comment: None.

PUBLIC HEARINGS AND ACTION:

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

Request for a Conditional Use Permit to construct a House and Accessory Dwelling over 800 Square Feet: Lori Bjork is requesting a Conditional Use Permit to construct a new house of 2,600 square feet and convert the existing house of 1,700 square feet into an accessory dwelling unit. The Columbia Falls Zoning Code requires a Conditional Use Permit (CUP) for Accessory Dwelling Units (ADU) that exceed 800 square feet in residential zones. The 0.98-acre property is described as Assessor's Tract 3AC in SE4NW4SE4 of Section 4, Township 30 North, Range 20 West, P.M.M., Flathead County. The property is located 1550 14th Street EN but also has frontage on 13th Street EN.

City Planner Mulcahy delivered Staff Report CCU-21-02, reviewing each of the Findings of Fact. The property is currently zoned CR-4 Urban Residential. An ADU is allowed with an Administrative Conditional Use Permit

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if it is less than 800 square feet. The applicant would like one larger than that, and therefore it needs a Conditional Use Permit with final approval by the City Council.

Chairman Vukonich asked the Board if there were any questions for staff. Kavanagh asked if the house was currently on a shared well, with Vukonich questioning how many houses are on it. Mulcahy responded that it is on a shared well with 6-7 houses on it currently. The applicant Lori Bjork stated they will possibly add a new individual well for the ADU. The existing property is underutilized, as it is mostly timber, she said.

Chairman Vukonich opened the public hearing for Public Comment at 6:43P.M.: None. No written or verbal testimony received prior to the hearing.

Motion made by Kavanagh to adopt Staff Report CCU-21-02 as Findings of Fact, Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, and Lundgren. Absent: Steve Duffy.

Vukonich questioned the distance between the CFAC well testing and the shared well. Bjork stated that the shared well was included in the CFAC testing and it has tested clean consistently.

Motion made by Shepard to recommend approval of CCU-21-02 to City Council, Seconded by Singer. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, and Lundgren. Absent: Steve Duffy.

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

Request for a Conditional Use Permit to construct an Accessory Dwelling in the existing house in the CB-2 Zoning District: Kevin and Cindy Hooker (current owners) and Six Peaks, LLC (prospective owners) are requesting a Conditional Use Permit to convert half of the existing 1,288 square foot house into an accessory apartment. The house is located at 28 6th Street East in Columbia Falls and is zoned CB-2 (General Business). The zoning code allows Single Family Residential use as a permitted use in the CB-2 and it allows an Accessory Apartment within the same building with a Conditional Use Permit (CUP). The 6,250 square feet property is described as Lot 11, Block 45 of the Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CCU-21-03, reviewing each of the Findings of Fact. Mulcahy discussed the history of ADU's in zoning and their uses, noting that the Board and Council may review in the future if necessary. Mulcahy noted that the property is in the CB-2 General Business Zone with three sides of the property commercially zoned. The proposed ADU would be inside the existing single-family residence. One written public comment was received and is included in the packet Mulcahy noted that the same individual had contacted him and discussed her concerns with him in addition to writing the letter.

Chairman Vukonich asked the Board if there were any questions for staff. Kavanagh asked if the property must get a Conditional Use Permit to be used for short-term vacation rentals. Mulcahy stated vacation rentals are a permitted use in CB-2 and Nicosia noted that the owners must still complete an application, get the required inspections, enroll with MT DOR and obtain a City business license.

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Chairman Vukonich asked the applicant to address the Board. Chelsea Cummings, 218 Blackmore Ln, representing Six Peaks LLC. Cummings noted that the applicants live in Columbia Falls and want to add value to the community. They plan on using the property for either short or long term rentals. They have four off street parking spots with the garage and driveway which will be clearly marked. Cummings noted that parking in the area is already congested and as the owner, they can control what happens on the property but not at the surrounding businesses. Cummings noted that noise will be monitored by technology that gives alerts past certain decibel levels. Stay limits will be enforced and guest numbers limited. They want to make the area better and share their community.

Vukonich asked if any Board members had questions for the applicant. Singer asked how the owners planned on limiting the number of tenants. Cummings noted that they will follow fire code and occupancy limits, for example one bedroom unit will have 2 persons with king bed in bedroom and the living room will have a pullout couch and the other unit may have 2 beds in the bedroom and a pullout couch for 4-6 person occupancy; they see the use for a family with children. Owner Jessica Johnston also reported that they purchased the property as an investment for either long-term or short-term rentals. They may operate it this summer as is or construct the second unit. Singer discussed the market trends for one- and two-bedroom vacation rentals. Johnston said the proposed plan with two units provides for more flexibility.

Chairman Vukonich opened the public hearing for Public Comment at 7:06 P.M.: None

Vukonich asked staff if the occupancy limit is a condition. Nicosia stated that occupancy is set by zoning, fire, and building code. Kavanagh asked if the applicants could utilize a lockout design. Mulcahy said lockouts are allowed but they usually do not include a full second kitchen as proposed in this design. Kavanagh asked staff for the expiration term of a conditional use permit if no action is taken, 18 months? Mulcahy clarified that the applicant has 12 months to commence the activity or request an extension. Vukonich stated that this area has always seen parking congestion from the neighboring businesses. Kavanagh asked for clarification on the previous denied permit as referenced in the public comment letter. Nicosia reported that the original owner of the property, Leonard Knudsen, submitted a building permit application in 2003 to build a small three-unit motel that was going to be operated as long-term rentals, no motel office or onsite management. Nicosia noted that the building permit was denied in 2003 as it did not meet the CB-2 zoning requirements and the owner went on to build the single family residence in 2004. Nicosia also noted that the City did not establish short-term vacation regulations until 2012. Kavanagh said establishing an ADU so two vacation rentals could exist is not how he saw ADU's working and he suggested the Board should reevaluate the regulations since this could set a precedence and affect the housing supply. Mulcahy stated the code is fluid and that the Board could revisit it in the future if they saw a need to do so; noting that the Accessory Dwelling regulations established in February 2018 require a separate conditional use permit for short-term vacation rentals in an accessory dwelling in the residential zones. Vukonich asked Nicosia if this is any different than the normal vacation rental application process. She stated that vacation rentals are permitted in the CB-2 zone with a completed application and a business license and do not require a conditional use permit.

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Motion made by Byrd-Rinck to adopt Staff Report CCU-21-03 as Findings of Fact, Seconded by Lundgren. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, and Lundgren. Singer noted that the applicant has one year to construct the second unit and believes it is in their owner's best interest to use that time. Absent: Steve Duffy.

Motion made by Singer to recommend approval of CCU-21-03 to City Council, Seconded by Shepard. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh, and Lundgren. Absent: Steve Duffy.

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

Request to change the zoning from CR-5 (Two Family Residential) to CRA-1 (Multi-Family Residential) in the Columbia Falls Zoning Jurisdiction: The applicant, Toby Gilchrist, is requesting a zone change for 302 Meadow Lake Boulevard from the current CR-5 Two-Family designation to a CRA-1 Multi-Family residential designation. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile north of Highway 2 on Meadow Lake Blvd. The property is described as Assessors' Tract's 2BDAE and 2BDAEA of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CZC-21-01, reviewing each of the Findings of Fact. The current zoning is CR-5 Two Family Residential and the applicant would like to change it to CRA-1 Residential Apartment. The applicant is proposing the multi-family units to help meet the need for workforce housing. The area has grown over the years and in the 2019 Growth Policy it was changed to multi-family. Mulcahy noted that Multi-family is a good buffer to industrial uses for neighboring residences. Meadowlake Blvd is a collector road with a sewer main running from Highway 2 to Meadowlake Resort. The proposed plan will have the entrance at the intersection of Best Way and Meadowlake Blvd. The property is within city limits and has access to sewer. The applicant would be required to extend the City water main to this property. Mulcahy reported that there are no City parks close by and it is ¾ mile to the elementary school. Based on national data, it can be expected to have around 11 children residing there for a project of this size. Mulcahy reported that he received 3 phone calls and 4 letters received in opposition to the project (2 letters were from callers).

Chairman Vukonich asked the Board if there were any questions for staff. Vukonich asked if this project included the cut through road to North Hilltop Rd that had been approved. Nicosia responded that was in another project to the north that has not been platted. Singer stated that the intersection of Highway 2 and Meadowlake Blvd was not safe for those wanting to turn. Further, she noted that portions of the Meadowlake Blvd roadway are slippery and the speed limit is not followed. Mulcahy informed the Board that Meadowlake Blvd is a collector road and is designed to handle a large traffic load; he also noted that Highway 2 is under Montana Department of Transportation (MDOT) jurisdiction and the department completes warrant studies on the required traffic devices. Mulcahy noted that the proposed 36 units does not trigger a required traffic study, typically required at a minimum of 40 units. Mulcahy noted that the City is currently working on a Comprehensive Transportation Plan with MDOT and the highway intersection has been noted in the plan as needing review. Singer stated that MDOT needs to examine the intersection as she believes the intersection should have green turn lights. Shepard questioned if the road was wide enough. Mulcahy stated it is not extremely wide and has no shoulder but it was built to county road standards. Mulcahy said the Board could ask

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for a shoulder next to the applicant's sidewalk on their property. The Board members discussed their experiences with traffic in the area and on Meadowlake Blvd.

Chairman Vukonich opened the public hearing for Public Comment at 7:38 P.M. The Board packet included four written comments: Zeiler, Goodman, Holding and Lawson.

Aaron Wallace of Montana Creative, representative for the applicant. They are requesting a zone change to multi-family that meets the 2019 Growth Policy. The applicant selected this property based on the multi-family designation. The apartments are designed for long term rentals to meet the need for work force housing. The applicant acknowledges there is heavy traffic in the area and that the State, County and City need to address the traffic issues as the area grows. Regardless of the project's outcome, the traffic issues need to be addressed by the government agencies. Wallace noted that the project is under 40 units and is not required to perform a traffic study. If this project is denied, it is also denying any future projects in the area.

Philip Zeiler, 165 Homestead Dr., noted that he had submitted a letter of opposition. Meadowlake Blvd is the only road with an overpass in the area. Everything north of the overpass bottlenecks into the road. Over the years the traffic has increased. He heard there are another 40 lots for sale by Meadowlake Resort. The area is continuing to grow. He works on Halfmoon Rd and the areas is now in constant use. Meadowlake Blvd will be the same. It is unsafe for kids playing and going to school. He acknowledges the valley will continue to grow.

Brook Stearns Lawson, 292 Meadowlake Blvd, noted the she also submitted a letter of opposition. She understands the need for growth. As a neighbor, she would like the buffer area to be maxed. Lawson asked the Board to please add connecting sidewalks to the area and not just on the project's property. The traffic in the area is dangerous. Last year her dog was killed on the road. It is a very narrow road with blind curves. Please fix the existing problems before adding to them.

Chairman Vukonich closed the Public Hearing at 7:50 P.M.

Kavanagh said it is a good place for multi-family housing, but the City needs to make sure the area is safe before having projects built. He was in both a car and a bike accident on that road when he was younger. Meadowlake Blvd is not safe for pedestrian use. Kavanagh noted that the project could add roughly 90 more vehicles. Shepard stated the area has largely been ignored because there is no money to improve it. The fact that it is a country road complicates the problem in his opinion. The access to the apartments at Best Way is a concern for Shepard. Singer said this project will set precedence in the area and open up the land next to it for similar use. Mulcahy replied that the land to the south of the project is zoned CI-1 Light Industrial and could have heavier uses currently permitted. Singer noted that she drives this road and is shocked by amount of people walking on it. She is very concerned about the safety of the road. MDOT controls Highway 2 and they need to work on the problem. Nelson suggested that a four way stop at Meadowlake Blvd and Best Way might not even be feasible to control traffic. Vukonich asked Staff if the Growth Policy set precedence. Mulcahy confirmed it did as the Growth Policy map designates this area as multi-family. Vukonich stated the Board did not foresee the area growing this fast during the growth policy review and that there are very real problems that

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need to be addressed. Mulcahy informed the Board that this project or another project will not change that the road was designed to be a collector. He noted that the conditions for project approval must be proportional to the project. Mulcahy noted that in Montana, infrastructure follows development. Mulcahy noted that the City recently attained the population number needed to designate the area as Urban Transportation and just this year the City and MDOT are completing the first Columbia Falls Urban Transportation Comprehensive Transportation Plan. Mulcahy noted that pedestrian connectivity could be added as a condition, but it is not up to this one project to fix all of the traffic and pedestrian problems in the area. Vukonich stated this was likely not the time for conditions since the Board is looking at a zone change and not at the CUP currently. Vukonich stated the zone change meets the 2019 Growth Policy map designation. Kavanagh suggested that the Board needs to be careful about future growth speculation and consider the infrastructure in place or needed for the map designations although he stated that he stands by the vote for multi-family on the map. Kavanagh stated that the Transportation Plan will be helpful. Currently the Board does not have enough data to truly plan the area. Shepard led a short discussion on the Highline Apartments, their impacts, and if there is any correlation that can be made to this project. Lundgren stated the intersection at Best Way is aligned with the project's access, but he agrees with the concern showed. Kavanagh said the Staff Report does not adequately address the traffic congestion in the area and there is no connecting sidewalk to the project. Kavanagh stated that the report needs to mention that a change to CRA-1 can affect the area negatively.

Motion made by Lundgren, seconded by Nelson, to adopt Staff report CZC-21-01 as Findings of Fact. Voting Yea: None. Voting No: Vukonich, Lundgren, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh. Absent: Duffy

Upon this vote, the Board did not proceed with the hearing on the Conditional Use Permit.

ADJOURNMENT - Duly adjourned at 8:16 p.m.

Chairman, Vukonich

Alex Vissotzky | Public Works Clerk