

**CITY OF COLUMBIA FALLS
PLANNING BOARD AND ZONING COMMISSION MEETING MINUTES
HELD APRIL 11, 2023**

REGULAR MEETING – 6:30 PM.

Chairman Vukonich called Meeting to order at 6:31 PM

PRESENT: Vukonich, Nelson, Smith, Lundgren, Byrd-Rinck, Singer, Kavanagh, Shepard (Zoom)

ABSENT: Duffy

Also present: City Manager Susan Nicosia, Contract Planner Eric Mulcahy, City Attorney Justin Breck (Zoom), Public Works Clerk Caleb Sobczak

APPROVAL OF MINUTES:

Approval of March 14th, 2023, Regular Meeting Minutes

Motion made by Lundgren to approve the March 14th, 2023, minutes as presented, Seconded by Nelson. Motion carried with all present voting AYE.

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

No public comment was presented.

PUBLIC HEARINGS AND ACTION:

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

Zoning Map Amendment – Christianson: A request by Eric S Christianson to amend the zoning map from the current zoning of CSAG-5 (Suburban Agricultural 5-acre minimum lot size) to CSAG-10 (Suburban Agricultural 10-acre minimum lot size). The property is located at 270 Jorgenson Trail, Columbia Falls, and is described as Assessor's Tract 1E (Parcel G of COS 10557) located in Section 19, Township 30 North, Range 20 West, P.M.M., Flathead County.

Contract Planner Eric Mulcahy presented staff report CZC #23-02. The reason for this request is the applicant wishes to operate a commercial stable which is not allowed in the CSAG-5 zone. With this zone change the applicant would not be able to subdivide his property since the CSAG-10 zone has a 10-acre minimum and the total property area is 13 acres. The impacts of reducing the zoning offsets any commercial impacts such as congestion in the street. Staff reviewed the findings of facts and recommend approval of this request and welcomes any questions from the Planning Board.

Singer wondered if there is a maximum number of livestock allowed per acre? Mulcahy answered that in this zone there is not a limit since it is an agricultural zone, not a residential zone.

Kavanagh sought clarification on the zoning regulations for CSAG-5 since with a conditional use permit it would allow a riding academy or a rodeo arena. Mulcahy said that the distinction is the stable and the applicant is seeking to run a public stable where he can have some monetary gain from boarding horses not just a riding or rodeo arena. Kavanagh had a further question about the second access that the applicant uses and acts as the primary access. Mulcahy answered that when the parcel was created under the certificate of survey the primary access was Jorgensen Trail. The applicant secured an easement from a previous property owner for a second access to the south, but Mulcahy said he would not be the arbitrator over whether that access is legal or not.

Vukonich wondered if there would need to be an additional permit obtained to operate a live event such as a rodeo. Mulcahy said that under the current zoning a conditional use permit would be required but with the zone change no additional permit would be needed. Mulcahy noted that this would not be a very appropriate place for a rodeo. There

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are many arenas all over this valley but they are very low-key operations which is what the applicant is looking to do. Vukonich stated for clarification that the zoning stays with the property not the owner. Mulcahy answered in the affirmative and stated that there are CSAG-10 zoned properties adjacent to this property.

Applicant presentation began at 6:53. Olaf "Olie" Ervin from OC Irvin Land Surveying represented the applicant. Ervin noted that the applicant does not have much more to present, they agree with the staff report and appreciate the work that was put into it. Ervin stated as a land surveyor he can speak a little bit on the second access easement to the south onto Waters Edge Way. The easement was granted by the previous owners of the property and is an access and utility easement. As a land surveyor his opinion is that Christianson will have to use Jorgenson Trail to access this property with livestock trailers since it will overburden the secondary access, but it provides emergency egress if necessary. In regard to why the zone change is being presented is that the property is already being used for horse husbandry and the applicant would like to get a little monetary gain from commercial boarding or riding lessons which is not available with the current zoning. In his opinion, the CSAG-10 zoning is harmonious with the area.

Vukonich remarked that he has been on Kokanee Bend Drive and there are sections that are rugged and the County only does the minimum upkeep required on that road, so commercial traffic could exacerbate that problem. Ervin replied that there are already people boarding their horses at this property for no charge, so there would not be an increase in traffic, the applicant is just seeking the ability to be compensated for the boarding that is already present.

Singer inquired if additional buildings would be constructed, and Ervin replied that there would not be any additional buildings. She then asked how many horses are there currently. Eric Christianson, the applicant, replied there are 7 horses of his own and 3 horses owned by friends that just pay for hay.

Smith asked if Jorgenson Trail would be the primary access since the Board received a written public comment that said that Mr. Christianson uses the access off Waters Edge Way as his primary access. Ervin replied the easement was acquired for personal use and it is nice to have emergency egress but Jorgenson Trail would be the primary access.

Lundgren remarked that in the comment letter it is stated that there are 5 residents on Waters Edge way that are responsible for the maintenance of the road and asked the applicant if he would be willing to communicate with those people and come up with a solution? Ervin answered that when the easement was granted there was an opportunity to include Mr. Christianson in the road maintenance agreement and it was not taken and while it is harder to go back and change that it can be done.

Eric Christianson, 270 Jorgenson Trail, stepped up to the podium further remarking on the road maintenance by saying that he has maintained that road for many years when he used to live on Waters Edge Way. After he moved to his current property, he did not maintain the road until he obtained the easement. He stated last weekend he ripped the whole road down, graded it, brought in gravel, and filled the potholes himself. One neighbor approached him and asked if he was willing to maintain the road and Christianson said yes. He went on to say that he does not have the facilities to accommodate a rodeo such as bleachers and he is not planning on having any rodeos there. He is just seeking legal compensation for the horse facility he has built as a secondary income for his family. He is involved closely with the rodeo and teaches kids to ride horses so there will be the occasional practice at this property. He stated he would like to build a nicer hay barn regarding the question posed by Singer about additional structures. He is aware of other horse boarding facilities that are overrun, and he is not looking to do that here. Sometimes he will hold horses for horse shippers until they are shipped out and some people have sought riding lessons from him as well. Also, he has taken in starving horses before and since he has chutes people with young or untouched horses have sought to use them. He has a lot of money and time into this facility and wants a little compensation for his work.

Kavanagh wondered if he could forecast how much stock he anticipates? Christianson replied that he does not know but he is not trying to get huge, he has a full-time job. He would probably want to board 5 or 6 horses; he has some leased pasture that he moves his horses onto in the summer and this property is primarily used in the winter. He is seeking to board to friends since horse people can be rather needy and he will be picky on whose horse he boards.

Public comment was opened at 7:04 PM.

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Tracy Ammerman, 1030 Waters Edge Way, Columbia Falls, via Zoom. She does not object to the current personal use of the property for horse husbandry. She is concerned about the commercial use of the area and the increased density and use included with that. Her property is the property with the easement that was granted before they purchased the property. The easement was granted but the road itself is a private road. The use is not just for emergency egress there is extensive use of the road by non-residents and Mr. Christianson himself. The increased use of Waters Edge Way is to the extent that there is a mailbox at the end of Mr. Christianson's driveway on that road. One other point is that at the top of page 8 of the Staff Report regarding the properties to the north, south, west, and east there are actually three properties that border Mr. Christianson's property to the west.

Scott Allen, 1030 Waters Edge Way, Columbia Falls, via Zoom. The use of Waters Edge Way has increased since Mr. Christianson put the road in. The traffic has increased to the extent that it is more than all the other residents combined. Additionally, Mr. Christianson had told him that he is not able to make turns with horse trailers on Jorgenson Trail so he needs that easement to get trailers out. There is not enough room to make the turn on this road without driving on their property and there is a big rut where the cars coming out of the Christianson property drive onto their property. There has also been some tree damage adjacent to their property where Christianson plows and trailers catch tree branches. He is not sure of the legality of the road since it has punched through onto a private road. Stating that this is an emergency egress for him is a misrepresentation, he uses this as his primary access. He understands that Christianson has stated that he does not want to do a rodeo but there is a difference between what he does not want to do and what he can do and what people can do is what should be talked about. He is already building the facilities to have a rodeo. The increased use would disrupt the quietness of the neighborhood.

Public comment was closed at 7:13

A motion was made by Byrd-Rinck to Adopt Staff Report CZC-#23-02 as Findings of Fact. Seconded by Kavanagh.

Shepard asked a question of Mulcahy regarding the private roads asking him to address that. Mulcahy answered that most of the roads are private; Jorgenson Trail is private, Hellman Lane he believes is public, Kokanee Bend Drive is privately maintained. So, the neighbors maintain all those roads. The applicant has legal access through the certificate of survey that created the parcel. It is not Mulcahy's place to determine legal access on a private road, which is usually determined by those two parties going to a judge, so we will not decide that here tonight; he added that the legal access is Jorgenson Trail. Vukonich sought clarification that it is not part of the Board's consideration to question the use of this secondary access. Mulcahy answered that is correct.

Kavanagh commented that based on the applicant's desire for the property and the current use moving to a less dense zone makes sense and he is with Mulcahy that the question of legality of the secondary access is not the Planning Board's purview.

A roll call vote was performed to adopt Staff Report CZC # 23-02 as Findings of Fact. AYES: Vukonich, Nelson, Smith, Lundgren, Byrd-Rinck, Singer, Kavanagh, Shepard NAYS: None. Motion passes.

A motion was made by Kavanagh to recommend approval of the Zoning Map Amendment to City Council. Seconded by Byrd-Rinck. A roll call vote was performed. AYES: Vukonich, Nelson, Smith, Lundgren, Byrd-Rinck, Singer, Kavanagh, Shepard NAYS: None. Motion passes.

A motion was made to adjourn by Nelson. Seconded by Singer with all present voting AYE.

ADJOURNMENT – Meeting duly adjourned at 7:20 PM

Chairman

Attest:

Public Works Clerk