

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD MAY 12, 2020**

CALL TO ORDER AND ROLL CALL at 6:33PM

PRESENT:

Russ Vukonich
Claudette Byrd-Rinck via zoom
Steve Hughes
Kurt Nelson via zoom
Patti Singer
Robert Smith
Sam Kavanagh via zoom

ABSENT:

Mike Shepard
Steve Duffy

Also present were City Manager Susan Nicosia, City Planner Eric Mulcahy via Zoom, City Attorney Justin Breck via Zoom, and Public Works Clerk Alex Vissotzky.

APPROVAL OF MINUTES:

Minutes of the March 10, 2020 Planning Board - Motion made by Singer, seconded by Hughes to approve the minutes as read. Voting Yes: Vukonich, Byrd-Rinck, Hughes, Nelson, Singer, Smith, Kavanagh

VISITOR OR PUBLIC COMMENT: None.

PUBLIC HEARINGS AND ACTION:

Request for a Conditional Use Permit to operate a dog kennel:

Brunz Enterprises LLC (Will & Andrea Brunz) is requesting a Conditional Use Permit to operate a dog kennel on property located at 443 Rogers Road in Columbia Falls. The 11.8-acre property is described as Assessor's Tract 2M (Tract 4 of COS 20092) in SW1/4SE1/4 of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County. The property is zoned SAG-5 in the Columbia Falls Zoning Jurisdiction. Commercial Kennels require a Conditional Use Permit in the SAG-5 Zoning District.

Planner Mulcahy presented Staff Report CCU-20-01 to the Board. The property is 11.8 acres with a proposed building being 3,800 sq. ft. Mulcahy reviewed each of the evaluation criteria: site suitability, appropriateness of design, public services, and immediate neighborhood impact. Mulcahy noted that the site provides for adequate parking spaces. Additionally, there is a 100ft buffer to any adjacent property line and the building will be soundproofed. Animal waste is disposed of daily by either an on-site incinerator or contracted waste disposal. Mulcahy reported that there are 9 recommendations for this conditional use permit.

Nelson joined the meeting via zoom at 6:42PM.

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Mulcahy noted that any signage will need a permit per SAG-5 zoning requirements. Traffic will likely be from 7AM to 7PM, originating from Highway 206 to the East. The outdoor kennels will operate from 7AM to 10 PM. The incinerator is industrial grade and requires a permit from the Flathead County Health Department and MT DEQ. There are two written letters of public comment. The first questioned the 60-dog capacity, notice to neighbors if sickness occurs and requested a solid fence on the western property line. The other comment was a letter of support for the project.

Chairman Vukonich asked the Board if they had questions for staff. Kavanagh asked if the 60ft separation between this property and the neighbors was the second access point for the new Benches subdivision. Mulcahy said that was correct. Smith noted that the foundation was already started. Mulcahy answered that since they are out of city limits, no building permit is needed. It is ok for them to build the kennels as long as the operation of them does not start until the conditional use permit is obtained. Smith questioned the 100ft buffer from the property lines. Mulcahy stated only the boarding yards are required to have that buffer. Kennel staff will be with the dogs in the play and training areas, and will control their behavior. Vukonich asked Mulcahy about the bi-weekly waste removal, Mulcahy responded that it was daily removal for animal waste. Singer asked about the location of the incinerator if it was approved and if it emitted odor and smoke. Mulcahy replied it was designed to produce no odor or smoke.

Chairman Vukonich asked for the applicant's presentation. Will Brunz, 531 Windy Acres Dr, is the owner and stated the project is straight forward. He is currently working on the incinerator approval from the county and MT DEQ. He would rather use that since it seemed more environmentally friendly. He said no other shelter, kennel, or hospital in the county is removing their waste daily from their properties. The 100 ft. setback for the boarding yards is met, the yards being 160 ft. from the western boundary and 160 ft. from the southern boundary. The building will be 80ft from the western boundary and 136ft from the southern boundary. He questioned the soundproofing for the building and what standard was used. He stated a single-family residence is 35-40 decibels with R15 insulation. A home theater is proofed to 55-60 decibels. He will have R19 insulation, with 1 in foam and dry wall installed as the final layer. This should be at the 55-58 decibel level. The kennels will not be under the BPH powerlines and will meet their setbacks from those lines.

Chairman Vukonich stated that he has experience with soundproofing. He said baffling is of a specific material and design. He recommended a QuietRock material. Mulcahy stated it was a fully insulated design and it met the requirements. He was conditioning what was proposed in the project. Hughes questioned if the City had a sound decibel level requirement. Mulcahy replied one is not used, because the City has no way of measuring decibels. Brunz stated this was a major concern in kennel design and they want to be good neighbors. Vukonich asked Brunz if he was ok with adding a wood fence to the western property boundary, to which Brunz replied yes. Singer asked Brunz about why this location on the property for the kennel. He responded it was to maximize the future use of the property. Singer was concerned about the outside kennel's noise. Brunz replied that Flathead County allows for 7AM – 10PM for outdoor kennel use. Noise can be managed and maintained at a lower level by very experienced staff. Vukonich asked Brunz that if they subdivide in the future, will all the zoning regulations be met. Brunz assured they would as it is subject to the Columbia Falls jurisdiction for subdivision review and approval.

Chairman Vukonich opened the Public Hearing at 7:17 pm.

Daniel Seliger, 439 Rogers Rd, Columbia Falls, MT 59912. He is the next-door neighbor to the west and has a noise concern. He stated the kennel would excite his dogs and add more noise. He questioned the incinerator

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smelling and producing smoke. Why would the Brunz build their house at the rear of the property if it produced no odor or smoke?

Lorinda Seliger, 439 Rogers Rd, Columbia Falls, MT 59912. She noted that she had provided written testimony to the Board.

Chairman Vukonich closed the Public Hearing at 7:28 p.m. noting the written comments are part of the official record.

Nelson asked if the other kennels have a similar amount of animal waste for disposal. Brunz replied it is unlikely but statute does not state the amount of waste. Vukonich asked if Brunz had used the incinerator yet. Brunz has only researched it.

Hughes motioned to adopt Staff Report CCU-20-01 as findings of fact, Seconded by Singer. Voting Yes: Vukonich, Byrd-Rinck, Hughes, Nelson, Singer, Smith, Kavanagh.

Kavanagh stated the Board should add a recommendation for the western property line fence, as noted in the Seligers' written testimony and by Mulcahy, and as discussed earlier, there should be confirmation of the location of the incinerator, if approved, to confirm needed distance from property lines.

Kavanagh motioned to add Condition 10: To mitigate the impact of kennel operation, there will be a minimum 6 ft. privacy fence installed on the western boundary. Second by Smith. Voting Yes: Vukonich, Byrd-Rinck, Hughes, Nelson, Singer, Smith, Kavanagh.

Planner Mulcahy stated the health department approves the incinerator but the Board can add City approval of its location. Vukonich asked about adding fencing around. Mulcahy suggested the location be east of the building and fenced. Applicant Brunz asked about adding neighbor approval to its location. City Attorney Breck did not recommend codifying that into the permit. There was a short discussion on the wording of the proposed condition 11.

Kavanagh motioned to add Condition 11: The City will approve the location of the outdoor incinerator to mitigate the impacts on neighboring properties. Motion seconded by Smith. Voting Yes: Vukonich, Byrd-Rinck, Hughes, Nelson, Singer, Smith, Kavanagh.

Motion made by Hughes to recommend approval of the Conditional Use Permit with Conditions, as amended, to City Council, seconded by Kavanagh. Voting Yea: Vukonich, Byrd-Rinck, Hughes, Nelson, Singer, Smith, Kavanagh.

ADJOURNMENT: Motion by Singer to adjourn at 7:52 p.m., seconded by Hughes.

Chairman

Alex Vissotzky | Public Works Clerk