



ROOM A | 130 6TH STREET WEST
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391
FAX (406) 892-4413

AGENDA
PLANNING BOARD AND ZONING COMMISSION REGULAR MEETING
TUESDAY, FEBRUARY 09, 2021 BEGINNING AT 6:30 PM
COUNCIL CHAMBERS CITY HALL

NOTE: The Planning Board meeting will be held in the Council Chambers as well as by virtual meeting to provide for social distancing and public health and safety. The Board requests attendees wear masks for the health and safety of the public and the City employees and officials. Contact City Clerk Barb Staland to register for ZOOM meeting access information. Email: staalandb@cityofcolumbiafalls.com

CALL TO ORDER AND ROLL CALL

BOARD REORGANIZATION:

Welcome new board member - Clay Lundgren

Nominations/Selection - Board Chair

Nominations/Selection - Board Vice-Chair

APPROVAL OF MINUTES:

1. Approval of November 10, 2020 Regular Meeting Minutes

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

PUBLIC HEARINGS AND ACTION:

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, February 9, 2021 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday March 1, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

2. **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 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.

- A. Adopt Staff Report CCU-21-02
- B. Recommend Approval of Conditional Use Permit to City Council

3. 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.

- A. Adopt Staff Report CCU-21-03 as Findings of Fact
- B. Recommend Approval of the Conditional Use Permit to City Council

4. 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.

- A. Adopt Staff Report CZC-21-01 as Findings of Fact
- B. Recommend Approval of Zone Change to City Council

5. Request for a Conditional Use Permit to construct 36 units of Apartments in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile north of Highway 2 at 302 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.

- A. Adopt Staff Report CCU-21-01 as Findings of Fact

B. Recommend Approval of the Conditional Use Permit to City Council

ADJOURNMENT

Next Regular Planning Board Meeting – TBD

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 10, 2020**

CALL TO ORDER AND ROLL CALL

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

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

APPROVAL OF MINUTES:

Approval of October 13, 2020 Regular Meeting Minutes

Motion to approve the minutes made by Kavanagh, Seconded by Byrd-Rinck. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh.

Public Comment: None.

PUBLIC HEARINGS AND ACTION:

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

Request to establish a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction -Applicant, Judy Morse is requesting a Conditional Use Permit to operate a drive-thru coffee and micro bakery stand at 2100 9th Street West (The front northwest corner of the Super 1 parking lots). The property is zoned CB-2 Commercial however all drive-thru's require a conditional use permit in this zone. The coffee/bakery will have circulation through the existing Super 1 parking lot and highway approaches. The property is described as Lot 3 of the O'Neil Subdivision Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CCU-20-03, reviewing each of the Findings of Fact. Mulcahy noted that a text amendment could be approved in the future to remove drive-thru's as a conditional use because they are thoroughly reviewed during the building permit process and seem to not raise concerns. This project will be in the northwest corner of the Super 1 parking lot and existing approaches on South Meadow Lake Blvd and 9th St W will be used. Mulcahy noted that parking for Super 1 was overbuilt so parking issues should not arise with this project. The project is recommended for approval with five conditions.

Chairman Vukonich asked the Board if there were any questions for staff. Kavanagh asked if the current traffic flow will be affected or if it will have new directional painting. Mulcahy stated it will be reviewed during the building permit process.

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

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 10, 2020**

Motion made by Shepard, seconded by Kavanagh, to adopt Staff Report CCU-20-03 as Findings of Fact. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh. Absent: Duffy and Hughes.

Motion made by Kavanagh, seconded by Shepard, to recommend Approval of Conditional Use with Conditions to City Council. Voting Yea: Vukonich, Shepard, Byrd-Rinck, Nelson, Singer, Smith, Kavanagh. Absent: Duffy and Hughes.

ADJOURNMENT – Duly adjourned at 6:49 p.m.

Next Regular Planning Board Meeting – TBD

Chairman, Vukonich

Alex Vissotzky | Public Works Clerk

**CONDITIONAL USE PERMIT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION**

Item No.2.

COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CCU-21-02

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request from Lori Bjork for a Conditional Use Permit to allow the construction of an accessory dwelling unit greater than 800 square feet. The property is zoned CR-4 (Urban Residential). A public hearing has been scheduled before the Columbia Falls City-County Planning Board and Zoning Commission for Tuesday, February 9, 2021, beginning at 6:30 pm, in the Council Chambers of City Hall in Columbia Falls, Montana. The Planning Board will forward a recommendation to the Columbia Falls City Council for final action at the March 1, 2021, 7:00 pm meeting.

BACKGROUND INFORMATION

- A. **OWNER/PETITIONERS:** Lori Bjork
2472 US Hwy 93 South
Kalispell, MT 59901
- B. **PETITIONER'S TECHNICAL ASSISTANCE:** None listed.
- C. **LOCATION/DESCRIPTION**
Subd: Block: Lot :
Tract:3AC

Section: 4 Township: 30N Range:20W
Address: 1550 14th St EN , Columbia Falls, MT 59912

The property is also referred to as Tract 4
Book 507 page 15, Flathead County.
- D. **REQUEST:** The applicant is requesting consideration of a Conditional Use Permit to construct a new home and convert the existing home into an accessory apartment greater than 800 square feet as provided for in Chapter 18.411.010 (5) of the Columbia Falls Zoning Ordinance. The subject property is 0.99 acres in size and the zoning would allow lot sizes of 7,200 square feet or 0.16 acres.
- E. **REASON FOR REQUEST:** The applicant has an existing home that is 1,792 square feet and she wants to build a new larger home on the property that would be 2,600 square feet in size. Bjork proposes converting the existing home into an accessory apartment so that her mother can live in the accessory unit close to her new house.
- F. **EXISTING LAND USE:** As stated above there is an existing house and garage on the north side of the property which is almost an acre in size. The new house would be placed on the south half of the property.



View of Existing home located at 1550 14th Street EN.



View of the south half of the property where the new house would be constructed.
The existing house is in the background.

- G. **ADJACENT ZONING AND LAND USE:** The Tracey's Aluminum City neighborhood is zoned CR-4 and consists of single-family homes and a mobile home park (Figure 1)

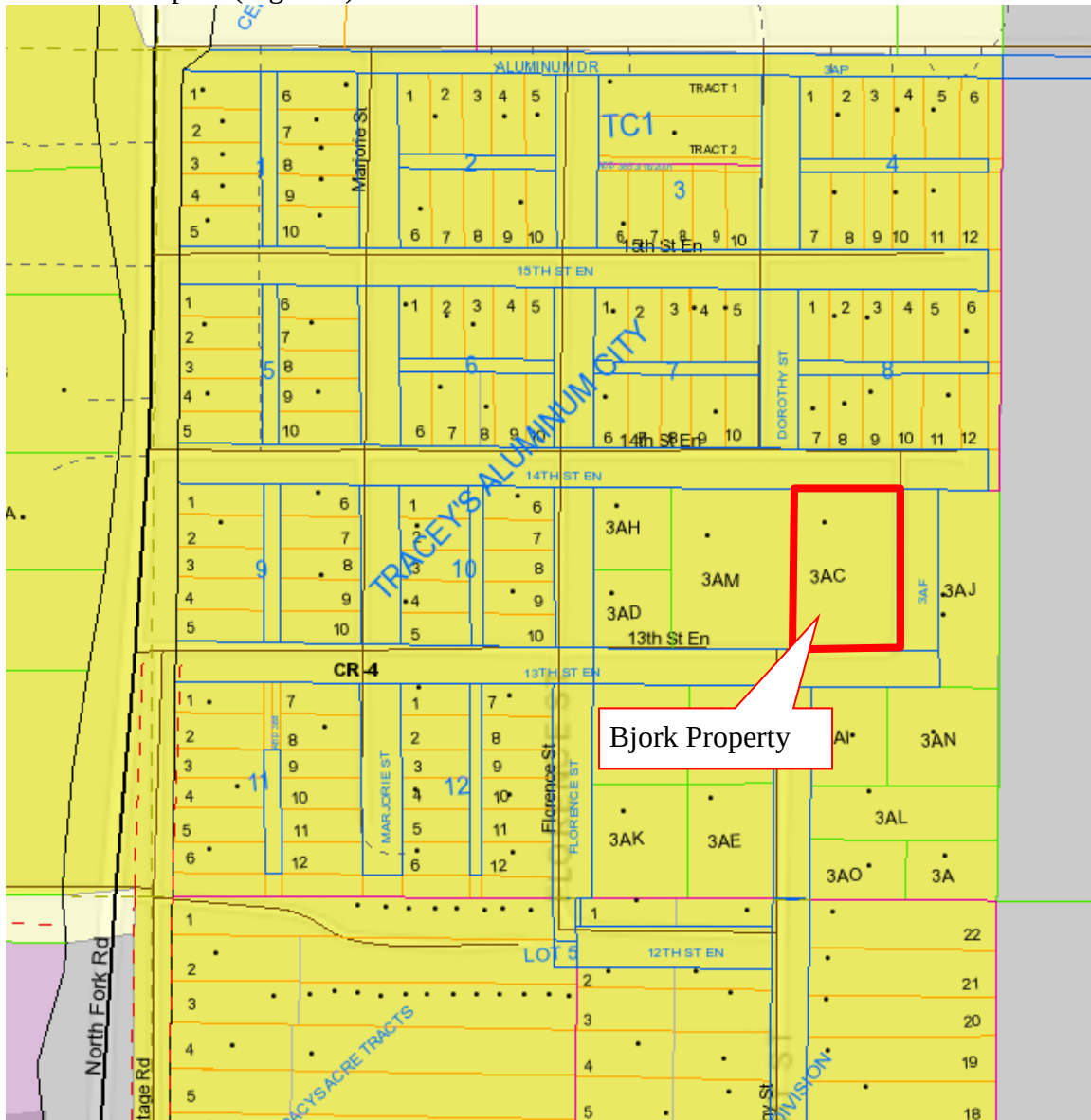


Figure 1 - Zoning Map

- H. **GROWTH POLICY DESIGNATION:** This property is within the Columbia Falls City-County Planning Jurisdiction and is designated on the Growth Policy land use map as urban residential, (residential with densities of two to eight units per acre). The proposed density of two units per acre complies with the Growth Policy.

I. UTILITIES/SERVICES:

Sewer service: Individual septic
 Water service: Community well
 Solid Waste: Owner haul
 Electric: Flathead Electric Co-op
 Phone: Century Tel
 Police: Flathead County Sheriff's Office
 Fire: Columbia Falls Volunteer Fire Department

EVALUATION BASED ON REQUIRED CRITERIA

18.210.080 Criteria Required for Consideration of a Conditional Use Permit:

A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

- a. **Site Suitability.** (That the site is suitable for the use) This includes:
 - i. **Adequate Usable Space:** The subject property contains 0.99 acres and measures approximately 170' by 253'. The property is flat and forested. There is adequate room to construct the new residence, and convert the existing residence into an accessory dwelling.
 - ii. **Adequate Access:** The subject property fronts three streets, 13 Street EN on the South, 14 Street EN on the north and Dorothy Street on the east. The existing house which will be converted to the accessory unit fronts and has access on 14th Street EN. The new house will have access on 13th Street EN. The site has adequate access.
 - iii. **Absence of Environmental Constraints:** The property is flat and there does not appear to be any hazards such as floodplain or hydric soils that would impact the safety of the residences.
- b. **Appropriateness of Design.** The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
 - i. **Parking Scheme:** Parking on-site would be provided in the driveways and garages as indicated on the site plan.
 - ii. **Traffic Circulation:** The lot accesses local streets maintained by the Flathead County Road Department. The local streets provide access to all of the homes in Tracey's Aluminum City. Circulation is appropriate for the proposed use.

- iii. **Open Space:** Open space requirements for this type of proposal are limited to the setbacks, which are required from all property boundaries in the CR-4 zone. The site plan shows that the existing home and the proposed home comply with the CR-4 setbacks.
- iv. **Fencing/Screening/Landscaping:** There is fencing in front of the existing house. New fencing was not proposed in the application and it would not preclude the applicant from fencing the property in compliance with the zoning regulations.
- v. **Signage:** No signage is proposed or would be anticipated in association with the proposed use.
- c. **Availability of Public Services and Facilities.** The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
- | | | |
|----------------------|--------------------------|-------------|
| Sewer | Individual septic system | Appropriate |
| Water | Community well | Appropriate |
| Storm Water Drainage | Owner | Appropriate |
| Fire Protection | Columbia Falls Volunteer | Adequate |
| Police Protection | Flathead County Sheriff | Adequate |
| Streets | Flathead County Road Dep | Adequate |
- d. **Immediate Neighborhood Impact.** This is a residential use proposed within a residential zone contained on a tract of land five times as large as required by zoning. The proposed use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site that were considered, include but were not limited to, excessive traffic generation, noise or vibration, dust, glare or heat, smoke, fumes, gas or odors, inappropriate hours of operation. The proposed residential use will not create objectionable impacts beyond the property boundary. Traffic generated by the proposed use is not greater than any of the neighboring residential uses locate on ½ acre or small parcels.
- e. **Compliance with the Accessory Apartment Conditional Use Permit Standards (18.411.010)**
- An accessory apartment is limited to 800 square feet or if it exceeds 800 square feet it is subject to the full Conditional Use Permit process as opposed to an administrative Conditional Use Permit

The applicant is going through the full conditional use permit process with the Planning Board hearing and City Council hearing.

- Lots where accessory apartments are proposed shall be compliant with the minimum lot sizes and the accessory dwelling shall meet the setbacks for accessory structures.

The subject property is 0.99 acres and is five times larger than the minimum lot size. The site plan shows that the new and existing home meet setbacks.

- Only one accessory apartment is allowed per lot of record.

The applicant is only proposing one accessory unit.

- Accessory apartments shall be rented for a period of not less than one month unless the property owner received an Administrative CUP for vacation rentals.

The applicant is not proposing short term or vacation rental of the property.

- At least one parking space must be provided for the accessory unit in addition to the requirement for the primary dwelling.

Both the existing and proposed house have multiple parking spaces for each unit.

REACTION OF NEARBY PROPERTY OWNERS: A notice of public hearing was mailed to property owners within 150 feet of the subject property approximately 15 days prior to the hearing. At the writing of the staff report, the planning office has not received any comments from the surrounding neighbors.

SUMMARY OF FINDINGS:

1. The proposed site provides adequate usable space for the proposed accessory dwelling and it complies with the zoning and the accessory dwelling unit standards.
2. There are no apparent environmental constraints associated with the property to prohibit the construction of a second home.
3. There does not appear to be any impact to the surrounding neighbors.

RECOMMENDATIONS:

Based on the findings of fact, it is the staff's recommendation that the Columbia Falls City-County Planning Board and Zoning Commission adopt Staff Report #CCU –21-02 and recommend approval for the Bjork Conditional Use Request to allow for the construction of a new home and converting the existing house into an accessory dwelling:

1. The proposed construction shall comply with the site plan provided in this application including setbacks and parking.
2. The driveways and parking areas shall be a smoothly graded stabilized dust free surface that has been treated with dust retardants. A paved hard surface such as concrete or asphalt is highly recommended.
3. The applicants shall secure permits and comply with all requirements of the Flathead City-County Health Department relative to on-site sewage disposal and water.
4. The applicant shall secure an approach permit from the Flathead County Road and Bridge Department for the 13th Street EN driveway.

APPLICATION FOR CONDITIONAL USE PERMIT

Item No.2.

FILING FEE ATTACHED \$ 550.00 SEE FEE SHEET

PROPOSED USE: ACCESSORY DWELLING

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:

Name: LORI BJORK

Mailing Address: 2472 US Hwy 93 South

City/State/Zip: KALISPELL, MT 59901 Phone: (406) 250-8337

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

Name: _____

Mailing Address: — Same as above —

City/State/Zip: _____ Phone: _____

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

A tract of land in the Southeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 4, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows:

Beginning at a point on the South side of Second Avenue, a distance of 310.00 feet East of Florence Street of Tracey's Aluminum City in said Section 4; thence South and parallel with Florence Street, a distance of 252.80 feet; thence East at right angles, a distance of 170.00 feet; thence North at right angles, a distance of 254.33 feet; thence West at right angles along Second Avenue, a distance of 170.00 feet to the Point of Beginning.

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the *Required Criteria for Conditional Use Application* the Planning Board and Council must use to create a "Finding of Fact" in making a decision. Please review the Criteria carefully before providing the following information and documents.

1. Zoning District and Zoning Classification in which use is proposed: CR-4

2. Attach a plan of the affected lot which identifies the following items:

- Surrounding land uses.
- Dimensions and shape of lot.
- Topographic features of lot.
- Size(s) and location(s) of existing buildings.
- Size(s) and location(s) of proposed buildings.
- Existing use(s) of structures and open areas.

18.210.090 Burden of proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the planning board. The granting of a conditional use permit rests in the discretion of the city council as to whether or not the proposal conforms to the criteria and requirements set forth in Chapter 18.210.080

- g. Proposed use(s) of structures and open areas.
- h. Existing & proposed landscaping and fences.

3. On a separate sheet of paper, discuss the following topics relative to the proposed use:

- a Traffic flow and control.
- b Access to and circulation within the property.
- c Off-street parking and loading.
- d Refuse and service areas.
- e Utilities.
- f Screening and buffering.
- g Signs, yards and other open spaces.
- h Height, bulk and location of structures.
- i Location of proposed open space uses.
- j Hours and manner of operation.
- k Noise, light, dust, odors, fumes and vibration.
- l If the application is for a home occupation conditional use permit provide the following information:
 - 1 Number of employees that will work on the premises.
 - 2 Number of employees that are not family members residing at the premises.
 - 3 Estimated number and frequency of clients/patrons that will visit the on-site business.
 - 4 How much area will be used for the business. Compared to the area used for residential purposes.

4. Attach supplemental information for proposed uses that have additional requirements.

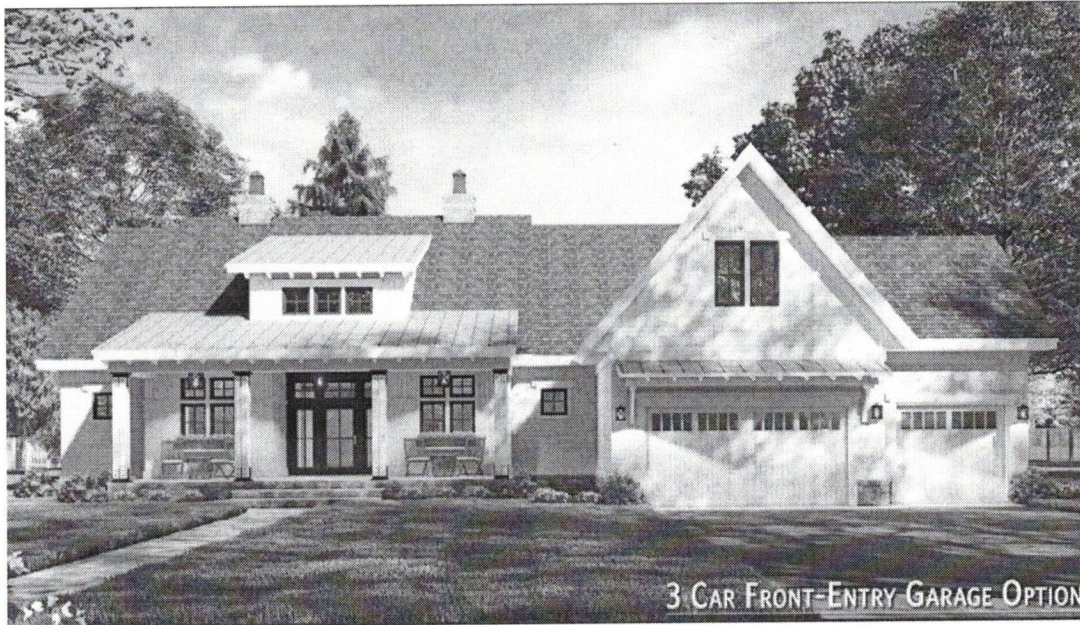
I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature


Lori Bjork

Date

1/4/21



13th Street Build

Lori Bjork
Tall Pines LLC
2472 US HWY 93 South
Kalispell, MT 59901

Application for Conditional Use Permit

Designate existing structure at 1550 14th Street EN, Columbia Falls, MT as a stand-alone accessory dwelling. Recognize proposed structure as primary residence.

1. Zoning

CR-4 Urban Residential

2. Plan - see attached

- a. Site Plan
- b. Certificate of Survey
- c. GIS Satellite Image - land is flat and is a mix of trees and homes
- d. 1: Site Plan
 - 2: Property Record Card- 1792 sq feet - pg 2
 - 3: Image of exterior of existing structure
- e. 1: Site Plan
 - 2: Floor plan of proposed building - 2600 sq feet
 - 3: Image of exterior of proposed structure
- f. Existing structure is a yearly lease rental
- g. Proposed structure is a primary home dwelling
- h. Mix of lawn and trees with some boundary fencing.

Topics Related to Proposed Use

A Traffic flow and control

This address is the last lot at the end of the road. The large lot has access from both 13th and 14th Street EN.

B Access to and circulation within the property

Each dwelling will have driveway access and an off street parking space

C Off street parking and loading

Both 13th and 14th allow off street parking. This property also borders Dorothy which provides additional parking

D Refuse and service area

This is a county property and refuse is either a private service contract or the homeowner delivers to a green box site.

E Utilities

In 2017 utilities to this property were upgraded. There is a new power pole located on the property and all power and cables were buried underground. Flathead Electric provided this service.

F Screening and buffering

Trees that are practical will be left and site will be landscaped

G Signs , Yards and other open Spaces

Trees and landscaped. There will be no signs.

H Height, build and location of structures.

Refer to Site Plan - Single story construction that abides by required setbacks

I Location of proposed open space uses

Refer to Site Plan - Lot is oversized and meets all required setbacks as well as allowing open space between structures

J Hours and manner of operation

Does not apply

K Noise, light, dust, odors, fumes, vibration

This is a single family dwelling and impact to the existing homes in the neighborhood will be equal to the other homes it borders.

L Business in Home occupation

Does not apply

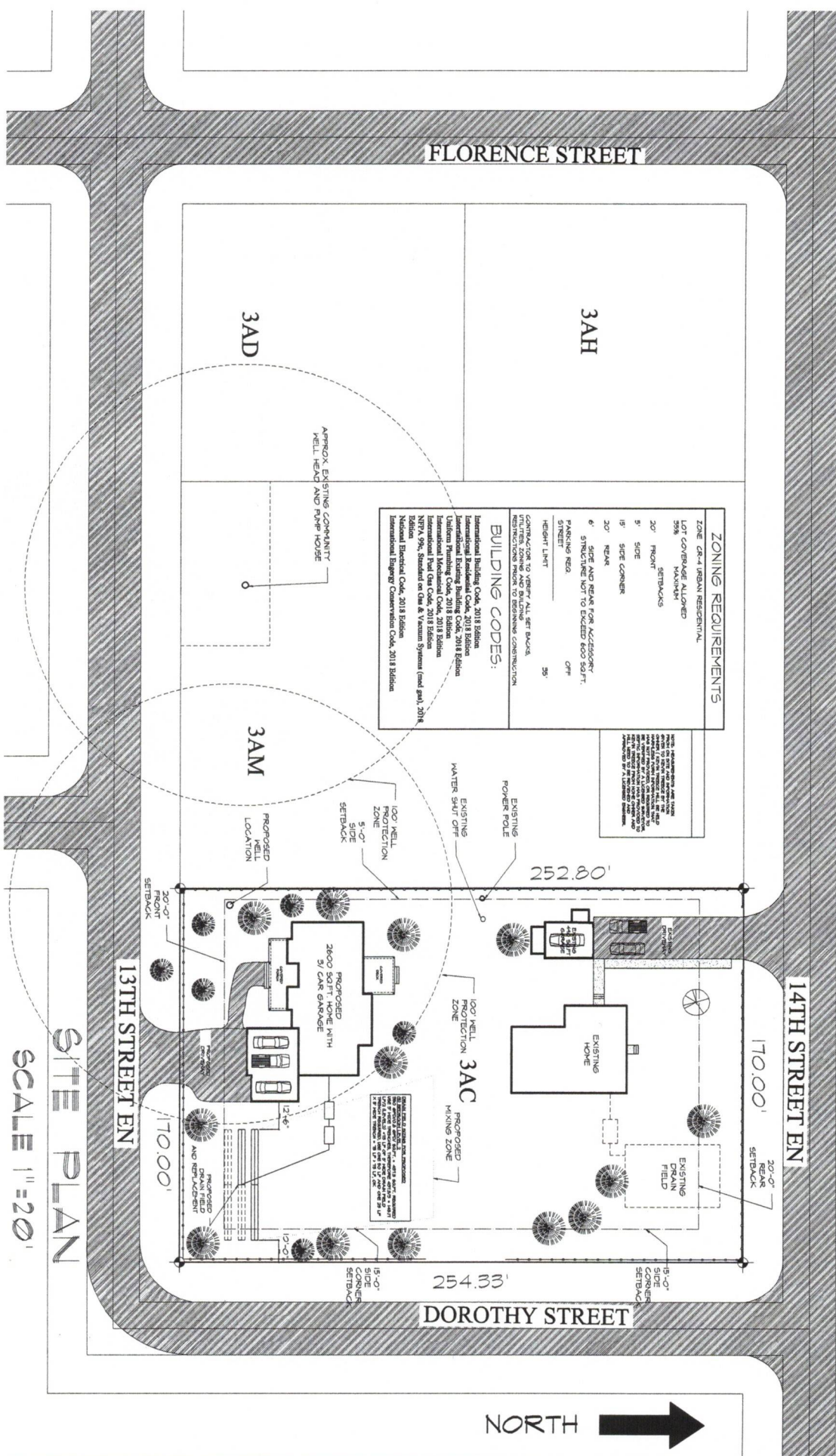
Attach Supplemental Information

- 1:Site Plan
- 2: Image of proposed structure
- 3: Floor plan of proposed structure
- 4: Image of Existing structure
- 5: Deed of survey
- 6: Property Record Card (3pgs)
- 7: Subdivision Map
- 8: Topographic features
- 9: Drainfield and Mixing Zone Exhibit
- 10: Well Head Protection Easement Exhibit
- 11: Easements for Protection Zone
- 12: Service sheet from Flathead Electric

A SITE PLAN PROPOSAL DESIGNED FOR:

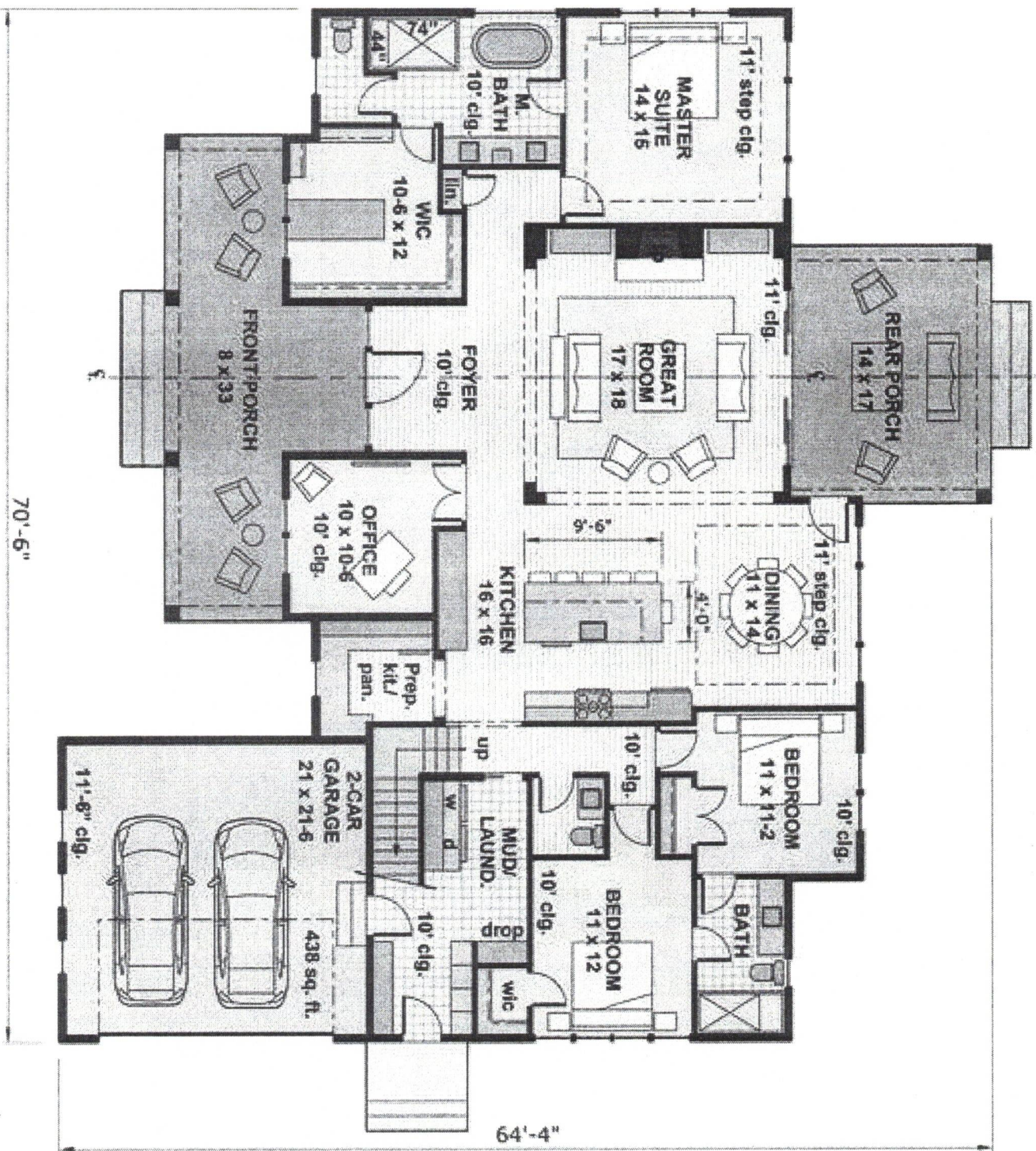
LORIBJORK
1550 14TH ST. EN. COLUMBIA FALLS, MONTANA
LOCATED IN TRACEDS ALUMINUM CITY LOT #3AC

PART OF SECTION 4, T, 30 N., R20 W, P.M.N. FLATHEAD COUNTY, MONTANA



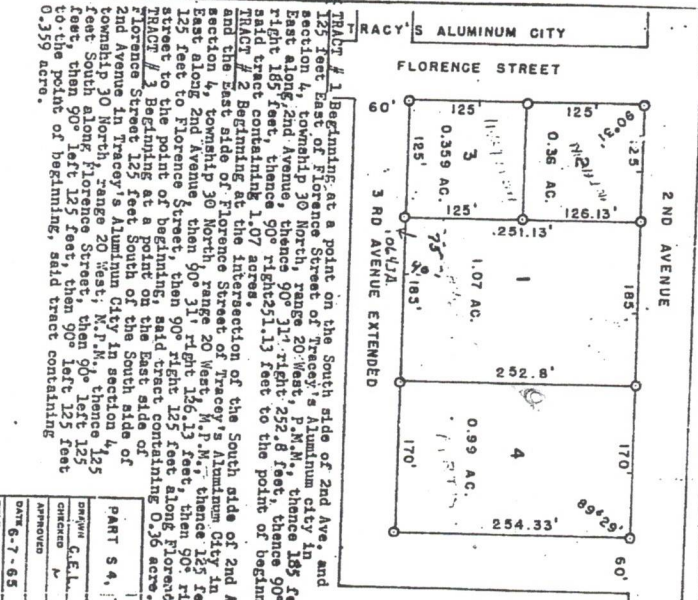


3 CAR FRONT-ENTRY GARAGE OPTI





STATE OF MONTANA) ss
County Of Flathead)
Filed for record at the request of)
this day of May 1965 at 3:31 o'clock P.M. and recorded in)
Vol. 507 Page 14 Records of Flathead County State of Montana.
Fee \$ 400.00
By James A. Meyer Deputy
Flathead County, Clerk & Recorder
RETURN TO Alma & Meyer, 112 1/2 Ave. S.W., Co. Fair, Mont.



PART 5, T 30N, R 20W, P.M.M.
DRAWN BY C.E.L.
CHECKED BY h
DATE 6-7-65
APPROVED BY JOHN SADOW
TITLE 13-5
SHEET 1 OF 4



CERTIFICATE OF SURVEY
I, Carl E. Lad, a surveyor and professional engineer registered in Montana, certify that in June of 1965, I made a careful and accurate survey of the parcel shown on the annexed plat, that the plat was made in accordance with the survey, and that all corners were plainly marked on the ground with iron stakes.
June 7, 1965
Carl E. Lad
Engineer-Surveyor

TRACT # 1 Beginning at a point on the South side of 2nd Ave. and 125 feet East of Florence Street of Tract # 2, then 90° right 185 feet, thence 90° right 185 feet, thence 90° right 252.8 feet, thence 90° right 185 feet, thence 90° right 252.8 feet to the point of beginning, and the East side of Florence Street of Tract # 2, then 90° right 125 feet to the point of beginning, said tract containing 0.36 acre.
TRACT # 2 Beginning at a point on the South side of 2nd Ave. and 125 feet East of Florence Street of Tract # 1, then 90° right 185 feet, thence 90° right 185 feet, thence 90° right 252.8 feet, thence 90° right 185 feet, thence 90° right 252.8 feet to the point of beginning, said tract containing 0.36 acre.
TRACT # 3 Beginning at a point on the South side of 2nd Ave. and 125 feet East of Florence Street of Tract # 2, then 90° right 185 feet, thence 90° right 185 feet, thence 90° right 252.8 feet, thence 90° right 185 feet, thence 90° right 252.8 feet to the point of beginning, said tract containing 0.36 acre.

DEED

Property Record Card

Summary

Primary Information

Property Category: RP
Geocode: 07-4186-04-4-13-19-0000
Primary Owner:
 TALL PINES LLC
 2472 US HIGHWAY 93 S
 KALISPELL, MT 59901-7532

Subcategory: Residential Property
Assessment Code: 0000561160
PropertyAddress: 1550 14TH ST EN
 COLUMBIA FALLS, MT 59912
COS Parcel:

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S04, T30 N, R20 W, TR 3AC IN SE4NW4SE4, ASSR# 0000561160

Last Modified: 9/13/2020 11:43:24 PM

General Property Information

Neighborhood: 207.360.0
Living Units: 1
Zoning:
Linked Property:

Property Type: IMP_R - Improved Property - Rural
Levy District: 07-131203-06 - G
Ownership %: 100

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0
Limited: 0

Property Factors

Topography:
Utilities:
Access:
Location:

Fronting:
Parking Type:
Parking Quantity:
Parking Proximity:

Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.980	51,691.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
1/23/2020			1/24/2020	202000002137	Quit Claim Deed
5/31/2017			6/9/2017	201700011731	Special Warranty Deed
3/17/2017			3/17/2017	201700005539	Trustee's Deed (and Deed of Trust)
11/6/2009			11/6/2009	200900031130	Quit Claim Deed
9/23/2008			9/26/2008	200800026947	Other

Owners

Party #1

Default Information: TALL PINES LLC
 2472 US HIGHWAY 93 S

Ownership %: 100
Primary Owner: "Yes"
Interest Type: Joint Tenant w/Right of Survivorship
Last Modified: 4/14/2020 10:16:21 AM

Item No.2.

Other Names

Other Addresses

Name

Type

Appraisals

Appraisal History

Tax Year	Land Value	Building Value	Total Value	Method
2020	51691	154709	206400	MKT
2019	51691	154709	206400	MKT
2018	44258	138842	183100	OVR

Market Land

Market Land Item #1

Method: Sqft
Width:
Square Feet: 42,688
Valuation
Class Code: 2101
Type: Primary Site
Depth:
Acres: 0.98
Value: 51691

Dwellings

Existing Dwellings

Dwelling Type	Style	Year Built
SFR	03 - Ranch	1964

Dwelling Information

Residential Type: SFR
Year Built: 1964
Effective Year: 1995
Story Height: 1.0
Grade: 5
Class Code: 3301
Year Remodeled: 0
Style: 03 - Ranch
Roof Material: 10 - Asphalt Shingle
Roof Type: 3 - Gable
Attic Type: 0
Exterior Walls: 1 - Frame
Exterior Wall Finish: 3 - Masonite
Degree Remodeled:

Mobile Home Details

Manufacturer:
Model:
Serial #:
Width: 0
Length: 0

Basement Information

Foundation: 2 - Concrete
Basement Type: 1 - Crawl
Finished Area: 0
Quality:
Daylight: N

Heating/Cooling Information

Type: Central
Fuel Type: 3 - Gas
System Type: 5 - Forced Air
Heated Area: 0

Living Accomodations

Bedrooms: 3
Family Rooms: 0
Full Baths: 1
Half Baths: 0
Addl Fixtures: 3

Additional Information

Fireplaces:
Garage Capacity: 0
% Complete: 0
Stacks: 0
Openings: 0
Cost & Design: 0
Description:
Stories:
Prefab/Stove: 1
Flat Add: 0
Description:

Dwelling Amenities

View:
Access:

Area Used In Cost

Basement: 0
First Floor: 1792
Second Floor: 0
Additional Floors: 0
Half Story: 0
Attic: 0
Unfinished Area: 0
SFLA: 1792

Depreciation Information

CDU:
Desirability:
Physical Condition: Average (7)
Property: Average (7)
Utility: Average (7)

Location: Fair (6)

Depreciation Calculation

Age: 23 Pct Good: 0.77

RCNLD: 154430

Item No.2.

Additions / Other Features

Additions

Lower	First	Second	Third	Area	Year	Cost
	11 - Porch, Frame, Open			16	0	344
	11 - Porch, Frame, Open			8	0	172

There are no other features for this dwelling

Other Buildings/Improvements

Outbuilding/Yard Improvement #1

Type: Residential **Description:** RRS1 - Shed, Frame
Quantity: 1 **Year Built:** 1965 **Grade:** L
Condition: **Functional:** **Class Code:** 3301

Dimensions

Width/Diameter: 14 **Length:** 20 **Size/Area:** 280
Height: **Bushels:** **Circumference:**

Outbuilding/Yard Improvement #2

Type: Residential **Description:** RRG3 - Garage, frame, detached, unfinished
Quantity: 1 **Year Built:** 1965 **Grade:** 3
Condition: **Functional:** **Class Code:** 3301

Dimensions

Width/Diameter: 16 **Length:** 22 **Size/Area:** 352
Height: **Bushels:** **Circumference:**

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

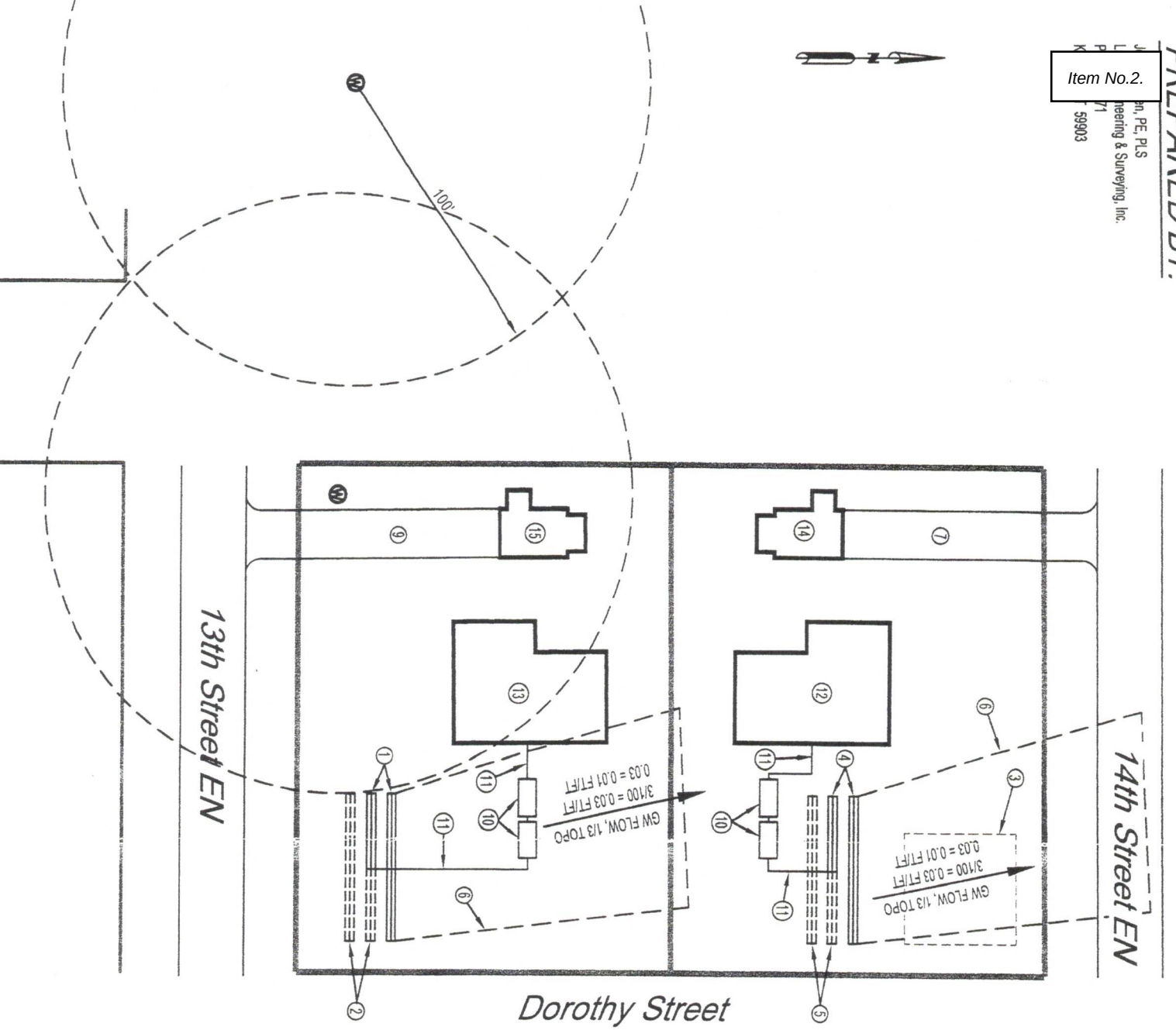
No ag/forest land exists for this parcel

550 14TH ST EN X Q
How search results for 1550 14TH S.



+
-

114153 48388 Degrees



DRAINFIELD SIZING FOR (P) DRAINFIELDS 3 BDRM LEVEL 2

350 GPD @ 4 GPD/SQ. FT. = 427.5 SQ. FT. REQUIRED.
USE 3' WIDE TRENCHES, THEREFORE 427.50 = 145.17 LF @ LEVEL 2 = 73 LF
OF 3' WIDE DRAINFIELD TRENCH REQUIRED. USE ONE 50 LF AND ONE
25 LF X 3' WIDE TRENCH = 75 LF > 73 LF. OK.

LEGEND

- Ⓜ EXISTING WELL (UNLESS NOTED)
- TEST HOLE AND SOIL PROFILE LOCATION
- ① SUITABLE DRAINFIELD SITE (P) 3 BDRM HOME, LEVEL 2
- ② SUITABLE REPLACEMENT AREA (P) 3 BDRM HOME, LEVEL 2
- ③ (E) DRAINFIELD SITE (E) 3 BDRM HOME
- ④ SUITABLE DRAINFIELD SITE (P) REPLACEMENT FOR (E) HOUSE, LEVEL 2, 3 BDRM
- DRAINAGE DIRECTION (TYPICAL)
- ⑤ SUITABLE REPLACEMENT AREA FOR (E) HOUSE, 3 BDRM, LEVEL 2
- ⑥ MIXING ZONE (TYPICAL)
- ⑦ EXISTING DRIVEWAY (TYPICAL)
- ⑧ INSTALL STORM DRAIN SWALE, SEE DETAIL THIS SHEET, LENGTH NOTED

EXHIBIT "A"

WELL HEAD PROTECTION EASEMENT EXHIBIT
SECTION 4, T. 30 N., R. 20. W, P.M.M., FLATHEAD COUNTY, MONTANA
1" = 50'



14TH STREET EN

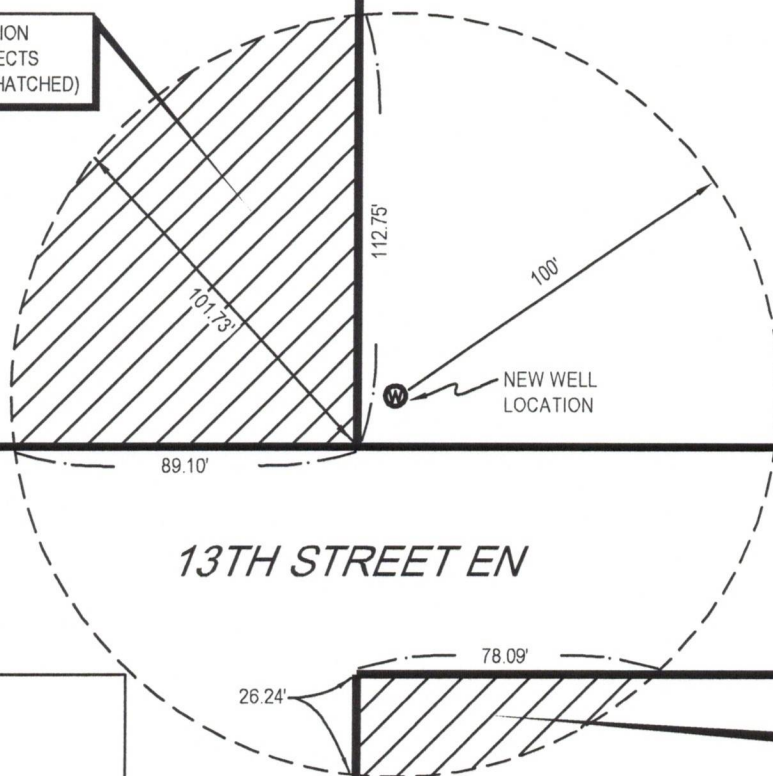
TRACT 3AM

OWNER: MICHAEL W. & GLENDA L. WIGLEY

TRACT 3AC

OWNER: LORI BJORK

WELL HEAD PROTECTION
EASEMENT THAT AFFECTS
TRACT 3AM (SHOWN HATCHED)



NEW WELL
LOCATION

60'

13TH STREET EN

60'

TRACT 3AG

TRACT 3AI

OWNER: FRANK C. & DOROTHY SEDIVY

WELL HEAD PROTECTION
EASEMENT THAT AFFECTS
TRACT 3AI (SHOWN HATCHED)

WELLHEAD PROTECTION EASEMENT DECLARATION

THIS WELLHEAD PROTECTION EASEMENT AND INDENTURE is declared this 15th day of September, 2020, by Frank and Dorothy Sedivy of 1287 Dorothy Street, Columbia Falls, MT 59912 Also known as (Tract_ID 3020X04-XXX-3A1), a map or plat on file in the office of the Flathead County Clerk and Recorder hereinafter referred to as "Declarant(s)". This declaration runs with the land and is binding on the Declarants, their assigns and successors forever.

WITNESSETH:

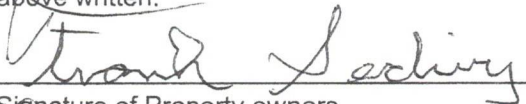
The DECLARANT do hereby declare a perpetual easement described below:

An easement for the purpose of protecting the source water for the water well serving 1550 14TH ST EN, (see Exhibit "A", attached that shows the location of said well). The area of the easement extends one hundred feet (100') in all directions from the well head as constructed on said address.

The DECLARANTS agree to preclude any use within the defined area which may pose a risk to the underlying groundwater. Such activities include, but are not limited to, installing any subsurface storm drain infiltration structure, septic system components or concentrated animal grazing or feeding operations. Also, above ground storage of hazardous substances, liquid fuels, gasoline solvents, fertilizers is prohibited with the exception of household products stored in closed containers within a building (shed or garage), not to exceed 20 gallons total. Below ground storage of hazardous substances addressed above is prohibited. The Montana Department of Environmental Quality, its successors or assigns is hereby authorized to render a decision of acceptability on any proposed questionable activity within the easement area. This easement does not allow occupancy by any physical components of the water system, or right of access onto or across the easement area.

The Easement hereby granted is appurtenant to the property described in the first two paragraphs of this document and is intended to serve the Grantee, its successors and assigns.

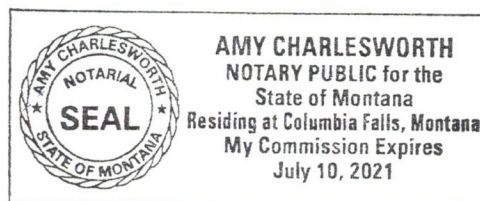
IN WITNESS WHEREOF THE GRANTOR(S) has hereunto set their hand the day and year above written.


Signature of Property owners


Signature of Property owners

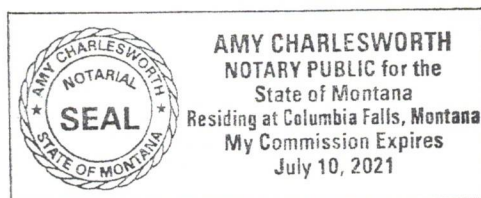
On the ___18th___ day of ___September, 2020, before me, a Notary Public in and for the State of Montana, personally appeared Frank & Dorothy Sedivy, known to me to be the person(s) whose name are subscribed to the foregoing instrument as the Owner(s) of Record, and who acknowledged to me that he/she/they executed the same.

Amy Charlesworth
Notary Public for the State of Montana
Residing at Columbia Falls
My commissioner expires July 10, 2021



On the ___18th___ day of ___September, 2020, before me, a Notary Public in and for the State of Montana, personally appeared Frank & Dorothy Sedivy, known to me to be the person(s) whose name are subscribed to the foregoing instrument as the Owner(s) of Record, and who acknowledged to me that he/she/they executed the same.

Amy Charlesworth
Notary Public for the State of Montana
Residing at Columbia Falls
My commissioner expires July 10, 2021



WELLHEAD PROTECTION EASEMENT DECLARATION

THIS WELLHEAD PROTECTION EASEMENT AND INDENTURE is declared this 15th day of September, 2020, by Micheal and Glenda Wigley of 1492 14th ST EN, Columbia Falls, MT 59912 Also known as (Tract_ID 3020X04-XXX-3AM), a map or plat on file in the office of the Flathead County Clerk and Recorder hereinafter referred to as "Declarant(s)". This declaration runs with the land and is binding on the Declarants, their assigns and successors forever.

WITNESSETH:

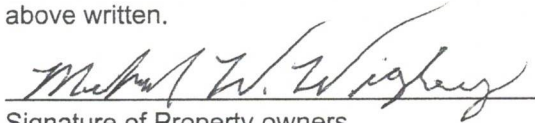
The DECLARANT do hereby declare a perpetual easement described below:

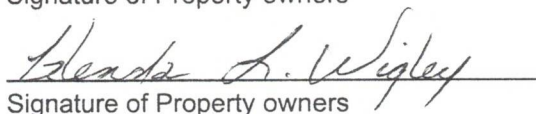
An easement for the purpose of protecting the source water for the water well serving 1550 14TH ST EN, (see Exhibit "A", attached that shows the location of said well). The area of the easement extends one hundred feet (100') in all directions from the well head as constructed on said address.

The DECLARANTS agree to preclude any use within the defined area which may pose a risk to the underlying groundwater. Such activities include, but are not limited to, installing any subsurface storm drain infiltration structure, septic system components or concentrated animal grazing or feeding operations. Also, above ground storage of hazardous substances, liquid fuels, gasoline solvents, fertilizers is prohibited with the exception of household products stored in closed containers within a building (shed or garage), not to exceed 20 gallons total. Below ground storage of hazardous substances addressed above is prohibited. The Montana Department of Environmental Quality, its successors or assigns is hereby authorized to render a decision of acceptability on any proposed questionable activity within the easement area. This easement does not allow occupancy by any physical components of the water system, or right of access onto or across the easement area.

The Easement hereby granted is appurtenant to the property described in the first two paragraphs of this document and is intended to serve the Grantee, its successors and assigns.

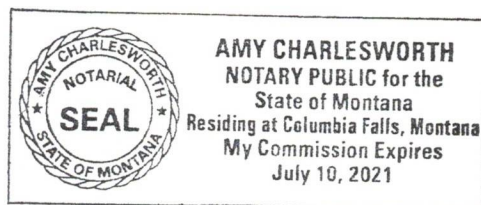
IN WITNESS WHEREOF THE GRANTOR(S) has hereunto set their hand the day and year above written.


Signature of Property owners


Signature of Property owners

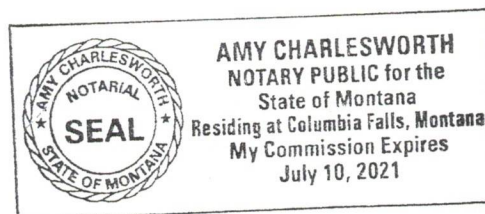
On the ___18th___ day of ___September, 2020, before me, a Notary Public in and for the State of Montana, personally appeared Michael Wigley, known to me to be the person(s) whose name are subscribed to the foregoing instrument as the Owner(s) of Record, and who acknowledged to me that he/she/they executed the same.

Amy Charlesworth
Notary Public for the State of Montana
Residing at Columbia Falls
My commissioner expires July 10, 2021



On the ___18th___ day of ___September, 2020, before me, a Notary Public in and for the State of Montana, personally appeared Glenda Wigley, known to me to be the person(s) whose name are subscribed to the foregoing instrument as the Owner(s) of Record, and who acknowledged to me that he/she/they executed the same.

Amy Charlesworth
Notary Public for the State of Montana
Residing at Columbia Falls
My commissioner expires July 10, 2021



NAME: Bjork Lori

WO#: 20170969

LOCATION: 1550 14th St EW C-Falls

DATE: 7-5-17

With regard to the above service, we are providing this reference sheet to indicate the division of responsibility. It is our desire to provide this information to help avoid misunderstandings and eliminate any problems in providing electric service. **The member is advised to contact telephone and TV utilities prior to construction.** The member is also required to provide a minimum clear zone of 10' in front of all pad mount transformers and switchgear. No shrubbery or other obstruction is allowed.

General Information

Cost of line extension is: \$1750 ^{estimate only}
(Cost estimates are subject to change after 90 days.)

Service voltages will be 120 / 240 volts, 1 phase.

Member service size is: 200 amps. (Design is based on load calculated by member's electrician.)

Meter base will be located on the house and provided by the member. 4 terminal with main disconnect/manual bypass.

The following will need to be returned to F.E.C. prior to setting a construction date.

☒ Line extension Costs ☒ R/W Easements ☒ Electrical Permit ☐ Membership Application ☐ 1 Yr Utility credit History

Flathead Electric Coop Will Provide-

All primary wire and the service wires from F.E.C.'S location number 3020046302 to the member's

☒ meter base ☐ Termination Can ☐ Switchgear, CT compartment ☐ other _____

☐ OTHER _____

Member Will Provide-

☒ TRENCH (36"-40" for primary ~~36"-40"~~ for secondary)
(12" of separation required between power & phone or cable. 3' of separation required between power & gas)

☒ CONDUIT (Schedule 40 PVC or steel. Minimum 1/4"
Pull line in conduit. All sweeps shall be wide radius.)
For primary cable _____ For service cable 3"

☐ CONCRETE VAULTS _____ 1 phase _____ 3 phase
LIDS _____ Standard _____ Solid

☒ SWEEPS 2 PVC _____ FIBERGLASS
Location at pole to be determined by FEC Designer.

☐ TRENCH INSPECTION REQUIRED.
CALL _____ PRIOR TO BACKFILL

☐ BACKFILL (Must be sand or other rock free material
Six inches below & six inches above the conduit.)

☐ RIGHT OF WAY Clearing per F.E.C. specifications.

☐ OTHER _____

Work order scheduling is based upon the release date from the Distribution Design Department. CALL THE DESIGN DEPARTMENT @ 751-4483 WHEN METER, TRENCH, CONDUIT, VAULT, ETC IS READY. DO NOT CALL FOR SCHEDULING UNTIL YOU HAVE PAID FOR YOUR JOB AND PROVIDED AN ELECTRICAL PERMIT. For inquiries regarding construction schedules call Al Thorson @ 751-5280 or John Hanson @ 751-1878.

DISTRIBUTION DESIGNER: Ad Seal
MEMBER: _____

Call UDIG Before you dig
811 or 406-755-UDIG



Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.2.

January 19, 2021

Re: Public hearing notice for a CUP to construct a House and Accessory Dwelling over 800 square feet in size

Dear Adjacent Property Owner:

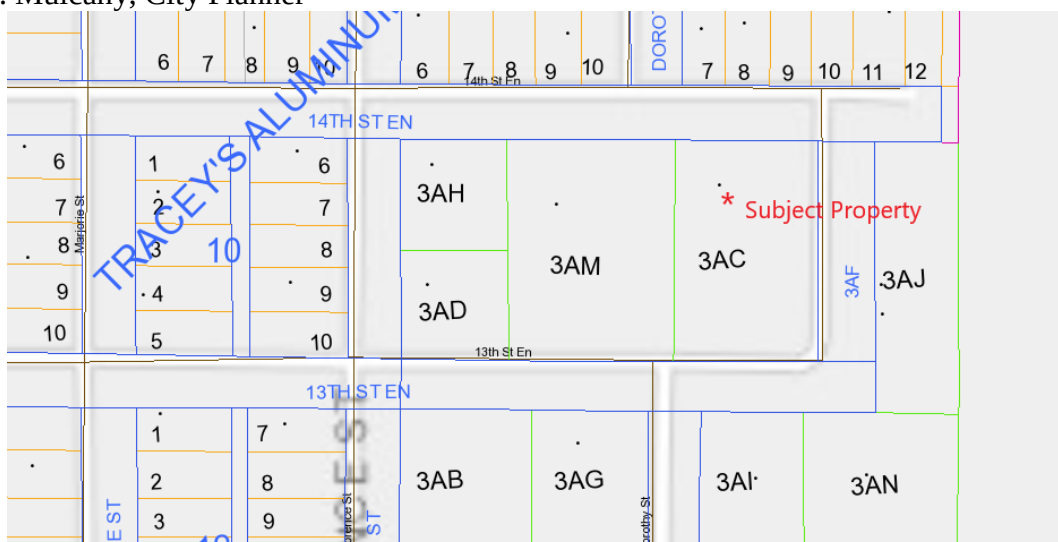
Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Conditional Use Permit (CUP) construct a new 2,600 house and convert the existing 1,700 square foot house into an accessory dwelling. The property is zoned CR-4 Residential and an accessory dwelling exceeding 800 square feet requires a CUP. 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.

If you have question or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday February 4, 2021 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing; it will just be emailed and/or passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner



CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, February 9, 2021 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday March 1, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

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 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.

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.

Request 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.

Request for a Conditional Use Permit to construct 36 units of Apartment in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile

north of Highway 2 at 302 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.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staland, City Clerk, 130 6th Street West, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 19th day of January, 2021

Susan Nicosia

Susan Nicosia, City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

**CONDITIONAL USE PERMIT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION**

Item No.3.

COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CCU-21-03

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request by Kevin and Cincy Hooker and Six Peaks, LLC, owner, for conditional use permit to allow the construction of an accessory dwelling unit in the CB-2. A public hearing has been scheduled before the Columbia Falls City-County Planning Board and Zoning Commission for Tuesday, February 9, 2021, beginning at 6:30 pm, in the Council Chambers of City Hall in Columbia Falls, Montana. The planning board will forward a recommendation to the Columbia Falls City Council for final action at the March 1, 2021, 7:00 pm meeting.

BACKGROUND INFORMATION

- A. **OWNER/PETITIONERS:**
Kevin and Cindy Hooker/Six Peaks, LLC
28 6th Street East
Columbia Falls, MT 59912
- B. **PERSONS AUTHORIZED TO REPRESENT:**
Chelsea M. Cummings
218 Blackmer Lane
Columbia Falls, MT 59912
- C. **LOCATION/DESCRIPTION**
The property is located at 28 6th Street East and 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,
- D. **REQUEST:** The applicant is requesting consideration of a Conditional Use Permit to construct an accessory apartment within the existing home and essentially converting it to a duplex. The property is zoned CB-2 (General Business and the CB-2 allows a single-family residence as a permitted use within the district and it also allows an accessory apartment with a conditional use permit provided the apartment is within the same building as the principal use.

The accessory apartment in the business zone has always been part of the CB-2 to provide quarters for a business owner to caretaker (Ord. 547 10/7/1991). Single family was added to the CB-2 zone to address “non-conforming” residential units that could not be rebuilt if they were destroyed. To address this, the City made residences a permitted use in the CB-2 (Ord. 571 6/20/1994) but we neglected to address the accessory apartment provision. As a result, there may have been an unintended consequence allowing two residential units on a parcel in the CB-2 zone. For this reason, staff is requiring this application to go through the full CUP process rather than just the administrative process.

In 2003, the property owner at that time submitted a building application for a 3-unit motel, a permitted use in CB-2 zoning. However, pursuant to a zoning and building review of the building permit application, it was determined that the use was more like a 3-unit apartment building and not a motel. The building permit was denied as non-conforming to zoning. Subsequently, in 2004, the owner built the current permitted single family residence.

The downtown CB-4 and CB-2 zoned areas underwent extensive review in 2008 through the Historic Uptown Neighborhood Committee, an advisory committee approved by Council, as an off-shoot to the Large and Small Building Design Committee. The committee spent several months reviewing downtown zoning regulations culminating in the expansion of the CB-4 district to the north of 3rd Street and to the south of 7th Street.

- E. **REASON FOR REQUEST:** The applicants want to create a second unit within the existing single family residence and then use the units for short term rentals which are a permitted use in the CB-2 zone.
- F. **EXISTING LAND USE:** The existing use is a single-family house and a detached garage on the property.



View of existing home located at 28 6th Street East.

G. **ADJACENT ZONING AND LAND USE:** The adjacent zoning is as follows

North	CB-4	Vaquero's Restaurant
South	CB-2	Single Family Residential
East	CR-5 and CB-2	Single Family Residential and commercial
West	CB-4	Restaurants, shops, bakeries

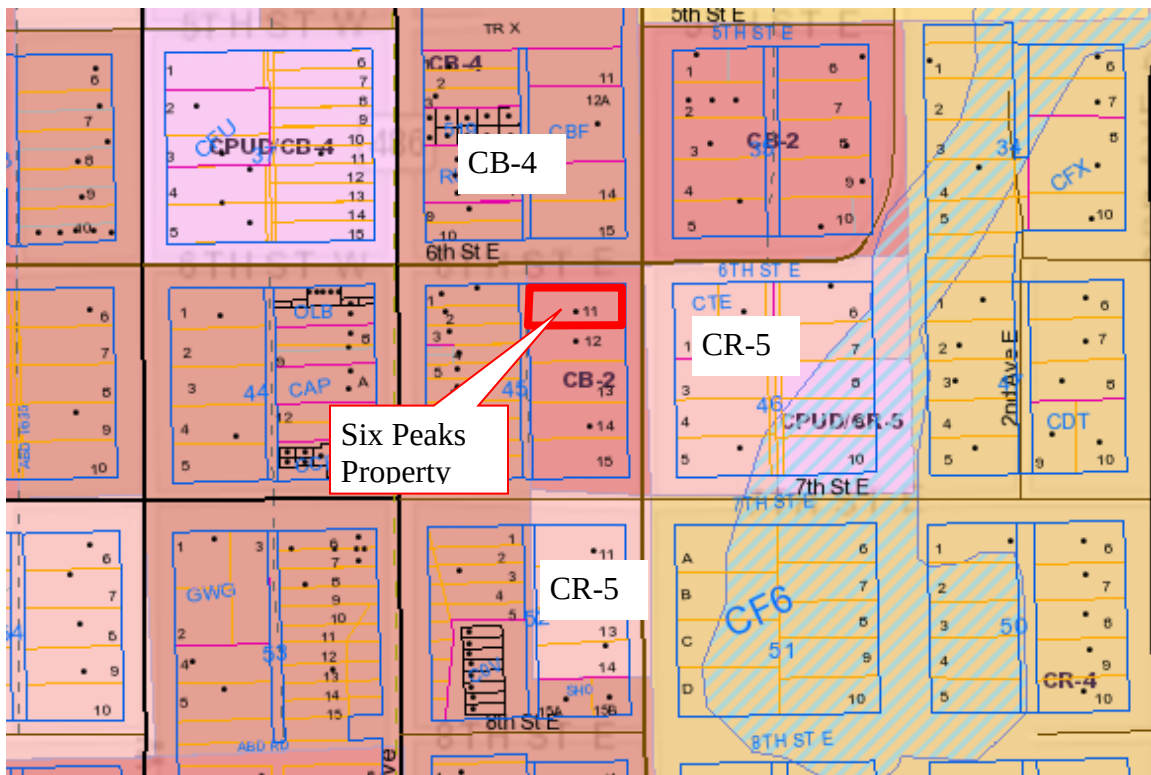


Figure 1 - Zoning Map

H. **GROWTH POLICY DESIGNATION:** This property is within the Columbia Falls City-County Planning Jurisdiction and is designated on the Growth Policy land use map as Commercial.

I. **UTILITIES/SERVICES:**

Sewer service: Municipal Sewer
 Water service: Municipal Water
 Solid Waste: Owner or contract haul
 Electric: Flathead Electric Co-op
 Phone: Century Tel
 Police: Columbia Falls Police
 Fire: Columbia Falls Fire Department

EVALUATION BASED ON REQUIRED CRITERIA

18.210.080 Criteria Required for Consideration of a Conditional Use Permit:

A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

- a. **Site Suitability.** (That the site is suitable for the use) This includes:
 - i. **Adequate Usable Space:** The subject property contains 6,250 square feet and measures approximately 50 by 125'. The property is flat with an existing dwelling. The house is 1,288 square feet and the applicants propose splitting this in half so that each unit is 644 square feet consisting of one bedroom and one bath each. It appears that there are four parking spaces with two in the garage and two in front of the garage. If the CUP is approved, the parking will need to be verified. It should also be noted that the concrete driveway does not connect to the street with concrete or asphalt. The city code requires all new construction to pave or concrete their parking and driveways.
 - ii. **Adequate Access:** The subject property fronts 6th Street East with the existing garage and driveway. The access is adequate with the exception of completing the driveway.
 - iii. **Absence of Environmental Constraints:** The property is flat and there does not appear to be any hazards such as floodplain or hydric soils that would impact the residences.
- b. **Appropriateness of Design.** The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
 - i. **Parking Scheme:** Parking on-site would be provided in the driveway and garage as indicated on the site plan. With stacked parking part of which will be in a garage, there needs to be some type of plan for which unit gets which spaces so that one renter does not block in the other. Parking within the garage will need to be verified prior to approval of the building permit.
 - ii. **Traffic Circulation:** The lot accesses local streets maintained by the City of Columbia Falls. Circulation is appropriate for the proposed use.
 - iii. **Open Space:** Open space requirements for this type of proposal are limited to the setbacks, which are required from property boundaries in the CB-2 zone when abutting residential districts such as that to the east. The proposed construction will not alter the existing setbacks.
 - iv. **Fencing/Screening/Landscaping:** New fencing was not proposed in the application and it would not preclude the applicant fencing the property in compliance with the zoning regulations.

- v. **Signage:** No signage is proposed or would be anticipated in association with the proposed use.
- c. **Availability of Public Services and Facilities.** The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
- | | | |
|----------------------|---------------------------|-------------|
| Sewer | Municipal Sewer | Appropriate |
| Water | Municipal Water | Appropriate |
| Storm Water Drainage | On-site provided by Owner | Appropriate |
| Fire Protection | Columbia Falls Volunteer | Adequate |
| Police Protection | Columbia Falls Police | Adequate |
| Streets | City of Columbia Falls | Adequate |
- d. **Immediate Neighborhood Impact.** The neighborhood is a mix of residential and commercial uses. There are both long term residential uses as well as short term residential uses in the downtown area. The property faces the Vaqueros parking lot on the north and to the west across the alley are a number of businesses. There are single family homes directly to the south and to the east. As the proposed apartment unit will not alter the shape or height of the existing residence, it should have very little impact other than there would be units rather than a single unit.
- e. **Compliance with the Accessory Apartment Conditional Use Permit Standards (18.411.010)**
- An accessory apartment is limited to 800 square feet or if it exceeds 800 square feet it is subject to the full Conditional Use Permit process as opposed to an administrative Conditional Use Permit

The applicant is going through the full conditional use permit process with the Planning Board hearing and City Council hearing even though the units are less than 800 feet. We are requiring the extra step because the intent of the accessory apartment in the business zone was originally to provide quarters for a business owner or caretaker. Single family was added to the CB-2 zone to address “non-conforming” residential units that could not be rebuilt if they were destroyed. To address this, the City made residences a permitted use in the CB-2 but we neglected to address that accessory apartment provision.

- Lots where accessory apartments are proposed shall be compliant with the minimum lot sizes and the accessory dwelling shall meet the setbacks for accessory structures.

The subject property is 6,250 square feet and there is no minimum lot size in the CB-2 zoning district. The structure complies with the east setback which is the only one that is applicant because it abuts a residential district. In addition, the proposed unit does not change the footprint of the building.

- Only one accessory apartment is allowed per lot of record.

The applicant is only proposing one accessory unit.

- Accessory apartments shall be rented for a period of not less than one month unless the property owner received an Administrative CUP for vacation rentals.

The applicant is proposing short term rental of the units but in the CB-2 zoning district short term rental is a permitted use.

- At least one parking space must be provided for the accessory unit in addition to the requirement for the primary dwelling.

It appears that the parking is met however this will need to be verified with an inspection of the garage prior to issuance of the building permit.

REACTION OF NEARBY PROPERTY OWNERS: A notice of public hearing was mailed to property owners within 150 feet of the subject property approximately 15 days prior to the hearing. At the writing of the staff report, the planning office did receive one call from the neighbor to the south. Her concern was primarily with short term rental of the property. The neighbor submitted written comment outlining her concerns as expressed in the phone call to the planner.

SUMMARY OF FINDINGS:

1. The proposed site provides adequate usable space for the proposed accessory dwelling and it complies with the zoning and the accessory dwelling unit standards.
2. There are no apparent environmental constraints associated with the property to prohibit the remodel of the single family residence to include an accessory dwelling.
3. The addition of one additional unit to the property does not appear to cause significant impact to the surrounding neighbors. The one neighbor that voiced concern was for a use that is permitted in the district and not something that we can prohibit with this CUP.

RECOMMENDATIONS:

Based on the findings of fact, it is the staff's recommendation that the Columbia Falls City-County Planning Board and Zoning Commission adopt Staff Report #CCU –21-03 and recommend approval for the Six Peaks Conditional Use Request to allow for the remodel of the existing home to provide a 644 square foot accessory dwelling:

1. The proposed construction shall comply with the site plan provided in this application including setbacks and parking.
2. The applicant shall secure the required building permits from the City of Columbia Falls prior to any construction of the new unit.
3. Provide a parking agreement showing which unit gets which driveway and garage spaces and noting that they will not block the neighboring properties.
4. The applicants shall complete the paving or concrete apron to the street for the driveway prior to issuance of an occupancy permit.

1/6/2021

To Whom It May Concern:

We, Kevin and Cindy Hooker own the home located at 28 6th St E Columbia Falls. Our home is currently under contract and scheduled to close 1/15/21. The buyers are Six Peaks, LLC member names: Jesse and Jessica Johnston, James Luke and Chelsea Cummings, Joe and Stacey Porter. We understand that the buyers would like to convert the single family dwelling to a single family with accessory dwelling. We also understand that this conversion requires the buyer to submit a conditional use permit application to the council and we consent to that application.

Thank you

Kevin Hooker


Kevin P Hooker
1/6/2021 2:23:49 PM MST

Cindy Hooker


Cindy L Hooker
1/6/2021 2:25:22 PM MST

APPLICATION FOR CONDITIONAL USE PERMITFILING FEE ATTACHED \$ 550

SEE FEE SHEET

PROPOSED USE: Add an accessory dwelling within the main residence

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:Name: Six Peaks, LLC (Kevin & Cindy Hooker)Mailing Address: 28 6th St ECity/State/Zip: Columbia Falls, MT 59912 Phone: (406) 471-3031**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**Name: Chelsea M CummingsMailing Address: 218 Blackmer LaneCity/State/Zip: Columbia Falls, MT Phone: (406) 471-3031**LEGAL DESCRIPTION OF PROPERTY** (Refer to Property Records):Street Address 28 6th St E Tract _____ Block 45 Lot 11Subdivision Name CFTSection 8 Township 30 Range 20

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the *Required Criteria for Conditional Use Application* the Planning Board and Council must use to create a "Finding of Fact" in making a decision. Please review the Criteria carefully before providing the following information and documents.

18.210.090 Burden of proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the planning board. The granting of a conditional use permit rests in the discretion of the city council as to whether or not the proposal conforms to the criteria and requirements set forth in Chapter 18.210.080

1. Zoning District and Zoning Classification in which use is proposed: CB-2

2. Attach a plan of the affected lot which identifies the following items:

- Surrounding land uses.
- Dimensions and shape of lot.
- Topographic features of lot.
- Size(s) and location(s) of existing buildings.
- Size(s) and location(s) of proposed buildings.
- Existing use(s) of structures and open areas.

- g. Proposed use(s) of structures and open areas.
- h. Existing & proposed landscaping and fences.

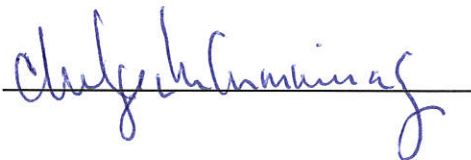
3. On a separate sheet of paper, discuss the following topics relative to the proposed use:

- a Traffic flow and control.
- b Access to and circulation within the property.
- c Off-street parking and loading.
- d Refuse and service areas.
- e Utilities.
- f Screening and buffering.
- g Signs, yards and other open spaces.
- h Height, bulk and location of structures.
- i Location of proposed open space uses.
- j Hours and manner of operation.
- k Noise, light, dust, odors, fumes and vibration.
- l If the application is for a home occupation conditional use permit provide the following information:
 - 1 Number of employees that will work on the premises.
 - 2 Number of employees that are not family members residing at the premises.
 - 3 Estimated number and frequency of clients/patrons that will visit the on-site business.
 - 4 How much area will be used for the business. Compared to the area used for residential purposes.

4. Attach supplemental information for proposed uses that have additional requirements.

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature



Date 1.7.21

Required Criteria for Conditional Use Application

18.210.080 Criteria required for consideration of a conditional use permit.

A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

- A. Site Suitability. That the site is suitable for the use. This includes:
 - 1. Adequate usable space,
 - 2. Adequate access, and
 - 3. Absence of environmental constraints.
- B. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
 - 1. Parking scheme,
 - 2. Traffic circulation,
 - 3. Open space,
 - 4. Fencing/screening,
 - 5. Landscaping, and
 - 6. Signage.
- C. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
 - 1. Sewer,
 - 2. Water,
 - 3. Storm water drainage,
 - 4. Fire protection,
 - 5. Police protection, and
 - 6. Streets.
- D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
 - 1. Excessive traffic generation,
 - 2. Noise or vibration,
 - 3. Dust, glare, or heat,
 - 4. Smoke, fumes, gas, or odors, and
 - 5. Inappropriate hours of operation
 - 6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.

2.

a. The surrounding land uses include commercial properties and residential. There is a commercial building and a parking lot across the street to the north and another commercial building across the alley way to the west. A residential home is next door to the south and another across the street to the east.

b. The lot is a rectangle measuring 125' long and 50' wide.

c. The lot is flat

d. The house is a single-family home with a total square footage of 1288. There is also a detached 2 car garage. The home measures 56 feet long and 22.5 feet wide. The garage measures 24.5 feet wide and 22 feet deep. There is parking for 2 in the garage with an additional 2 parking stalls in the driveway, allowing for 4 vehicles to be parked.

e. There will be no size changes to the existing buildings and no additional buildings being requested.

f. The home is now a 2-bedroom, 2 bath single-family home with a detached garage and driveway. The yard is a corner lot. The open spaces of the yard are on the north and east sides of the home.

g. We are proposing to add one accessory dwelling unit within the home and vacation rental both sides of the home. We will not be changing the footprint of the house. The yards open space would be an area to use as picnic space and general yard usage for tenants.

h. Existing landscape is simple. The yard is flat. There is a sprinkler system and no fence. We are not proposing any changes to the yard. Plan is to maintain simplicity and add a little charm.

3.

a. The home would continue to be accessed from the existing driveway.

b. There are 4 existing off street parking spots available. The home is accessed from a walkway connecting the driveway to the front door.

c. 4 off street parking spots are available. 2 in the garage and 2 in the driveway.

d. We will provide tenants with a permitted garbage service and the cans will be stored in the garage.

e. The utilities include city sewer and water and electric heat.

f. There is no current screening and buffering. There is no proposed change to this.

g. There is no current sign on the property. We are not proposing a sign at this time. The yard space is on the north and east sides of the home.

h. The house is a single level ranch style home with a detached 2 car garage. The home is set off the sidewalk by 21.5 feet on the northside of the property and 19 feet off the street to the east.

i. North and east side yards intended for normal yard usage such as grilling, yard games and picnic area.

j. 24 hour access to the home. 10pm-7am quiet hours will be requested.

k. No noise, excess light, dust, odors, fumes or vibrations expected with proposed use.

l. n/a

4.

We will be applying for a vacation rental permit which is a permitted use in the CB2 zoning.



Flathead County GIS Department



800 South Main Street
Kalispell, Montana 59901

0.00 0.01 0.02 0.03 0.04 mi



The areas depicted on these maps are for illustrative purposes and do not necessarily meet mapping, surveying, or engineer standards. Deriving conclusions from this map is done at the user's assumed risk.

1st AVE. E. 50 ft. Item No. 3.



6TH STREET E.

SIDEWALK

21.5 ft.

19 ft.

6 ft.

56 ft.

HOUSE

22.5 ft.

DRIVE WAY

24.5 ft.

GARAGE

6 ft.

22 ft.

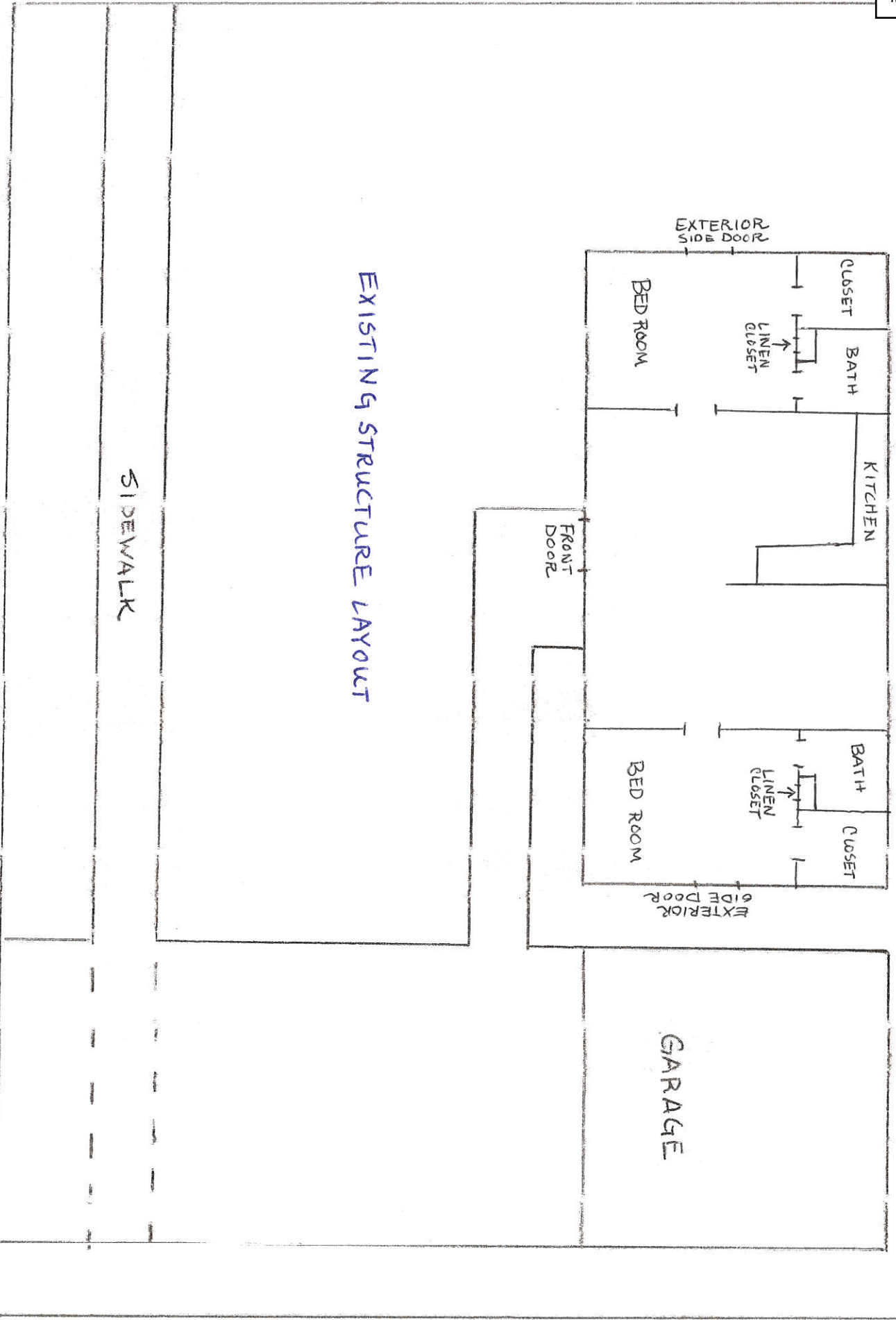
5 ft.

ALLEYWAY

125 ft.



EXISTING STRUCTURE LAYOUT



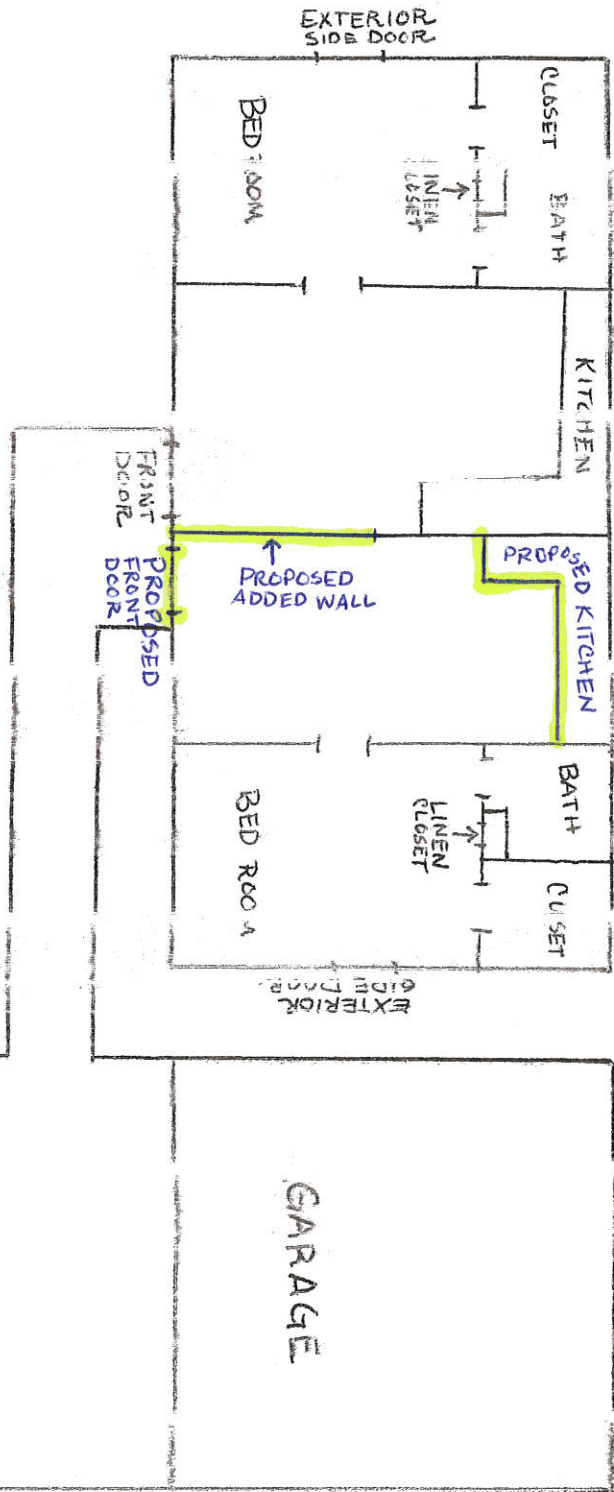
6TH STREET E.

*PROPOSED CHANGES TO EXISTING STRUCTURE HIGHLIGHTED

51' SIDEWALK



60TH STREET E.



Proposal to add one additional exterior front door to front of house. This will be the only structural change to the exterior of home.

We also plan to facelift the exterior of home, adding charm + curb appeal.





130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.3.

January 19, 2021

Re: Public hearing notice for a CUP to construct an accessory apartment within the existing house.

Dear Adjacent Property Owner:

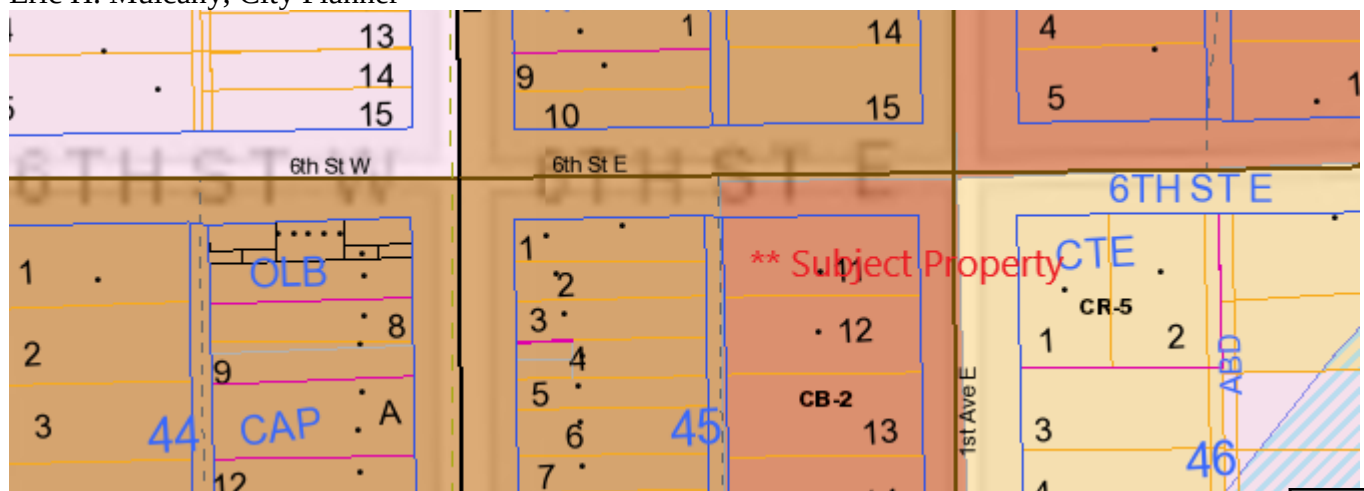
Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Conditional Use Permit (CUP) to construct an accessory apartment within the existing single-family house located at 28 6th Street E in Columbia Falls. The zoning code allows Single Family Residential 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 applicants wish to use both units for short term rentals. 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.

If you have question or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday February 4, 2021 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing; it will just be emailed and/or passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner



CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, February 9, 2021 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday March 1, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

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 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.

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 foot 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.

Request 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.

Request for a Conditional Use Permit to construct 36 units of Apartment in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile

north of Highway 2 at 302 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.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staalnd, City Clerk, 130 6th Street West, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 19th day of January, 2021

Susan Nicosia

Susan Nicosia, City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

February 3, 2020

To: Susan Nicosia and Columbia Falls City-County Planning Board

From: Miantae Metcalf McConnell

Subject: Conditional Use Permit for Accessory Dwelling in CB-2 Zoning District, downtown Columbia Falls: Lot 11 Block 45, Columbia Falls

Dear Members of the Planning Board,

I received a letter from the Planning Department dated January 19, 2021 regarding notification of the application for a CUP as listed above. My house is located next door: 612 1st Ave. East. I have owned this home for over eighteen years, since June 2002.

The builder of the single-family home in question, (Lot 11, Block 45), Mr. Leonard Knudsen, also filed an application to the planning board for short-term rentals, several years ago. The application, contested by many residents in the neighborhood who filed a petition against his application, were relieved when the board had the wisdom to deny his application. Today, I wish to voice many of the same concerns that were brought forward then.

Homes that are within approximately 75 feet from the main thoroughfare of Columbia Falls, Nucleus Ave., face unique benefits and challenges. We struggle with problems such as noise pollution (we have no noise ordinance at present), parking, loitering in alleys between the business zone and our homes, which also serve as the access to our homes, and have endured petty crime and property damage as a result.

I mention noise control, or lack of it, in particular, as there are concerts several nights every week during the summer. Parking is a long-time issue as our town grows, and often drivers will park in the alleys and block thoroughfare. This is dangerous for everyone. Business brings crowds, but where do crowds go afterwards with no space between commercial and residential areas?

What does this have to do with the application, you may ask?

No open space between commercial and residential buildings was formerly established to allow for future commercial growth, including parking spaces. Now we face the issues: how do we protect the properties that have been residential for decades and are now fighting to keep their way of life in a small, valued, community and still support growth? Perhaps not so close together? We do have options.

Will you force the residents to leave and suffer from property value decline by allowing our neighboring single-family homes to become commercial businesses? And to what end? How will you compensate people who have been loyal taxpayers and contributors to the community if you let commercial companies, like LLCs, push them out? Please do not all over-crowding of commercial and private property to decrease the value of our homes that have taken many years to realize value increase.

I ask you to consider a larger picture as you make this decision. I mentioned that property damage has been an ongoing issue, particularly during the tourist season. If the house, fifteen feet from mine is

occupied by non-residents, most likely tourists during summer and winter months, it will drastically change my life:

- Lack of privacy
- Transitory neighbors who may not care about properties adjoining them
- May be loud and inconsiderate, as they would view the house as a vacation rental, not a home within a community and thereby, not bound to neighborhood behavior
- Increased risk of property damages to my home and others, caused by traffic, loitering (there is a casino within 30 feet of the house addressed where groups of people often linger), and reckless behavior
- Decline in my property's value

Just because the present owners of the house, who have moved out-of-state and currently have the house listed on the market, have been approached by commercial LLC, doesn't mean that the planning committee should grant them the ability to make it a high-turn-around tourist lodging. The request is, in actuality, the same as zoning a permit for a motel in the neighborhood.

I really don't think this is the right place. The restaurant across the street from the house has a small parking lot that overflows from local traffic alone. There is not adequate places for more people to park. It is a very cramped space already. Employees of the businesses on Nucleus already fill the alley entirely when operating full time.

Since earlier planning did actively create a city plan to accommodate larger populations of tourists, that does not mean that long-term residents should bear the brunt of financial, emotional and property value loss that will come when their homes are surrounded by businesses and parking lots. I don't think it serves the vision of community, either.

There is plenty of space for hotels and VRBOs and AIRBNBs. We don't need to squeeze them in an already crowded downtown location. Please protect our neighborhood and deny this application.

Sincerely,

Miantae Metcalf McConnell
612 1st Avenue East
Columbia Falls, MT 59912

**ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
MAP AMENDMENT TO CRA-1 (MULTI-FAMILY)
CITY OF COLUMBIA FALLS STAFF REPORT # CZC-21-01
January 28, 2021**

A report to the Columbia Falls City County Planning Board regarding a request for a Zoning Map Amendment from the existing CR-5 to the proposed CRA-1. The Map Amendment is scheduled for a public hearing before the Planning Board on Tuesday, February 9, 2021 at 6:30 PM and Columbia Falls City Council on Monday, March 1, 2021 at 7:00 PM.

BACKGROUND INFORMATION

A. PETITIONERS

Owner: Thomas Hyon Su
P.O. Box 3299
Friday Harbor, WA 98250

Applicant: Toby Gilchrist
P.O. Box 1059
Whitefish, Mt 59937

B. PETITIONER'S TECHNICAL ASSISTANCE

Aaron Wallace
Montana Creative
158 Railway Street
Whitefish, MT 59937
(496)862-8152

C. LOCATION/DESCRIPTION

The property is located at 302 Meadow Lake Boulevard in Columbia Falls. The property is described as Assessor's Tract 2BDAE and 2BDAAE (Tracts 1 & 2 of COS 16142) in Section 7, T30N, R20W, P.M.M., Flathead County, MT.

D. REQUEST

The applicant is requesting a Zone Change and CUP to develop a multi-family apartment complex on 2.251 acres. The applicant proposes 36 units in two buildings. Each building is two stories in height, 26-9 ½', and will consist of 18 total units as follows: 2 studio units, 2 one-bedroom units, 8 two-bedroom units, and 6 three-bedroom units. The subject of this report is to change the current zoning of CR-5 (two-family residential) to a new designation of CRA-1 which allows multi-family development.

E. REASON FOR REQUEST

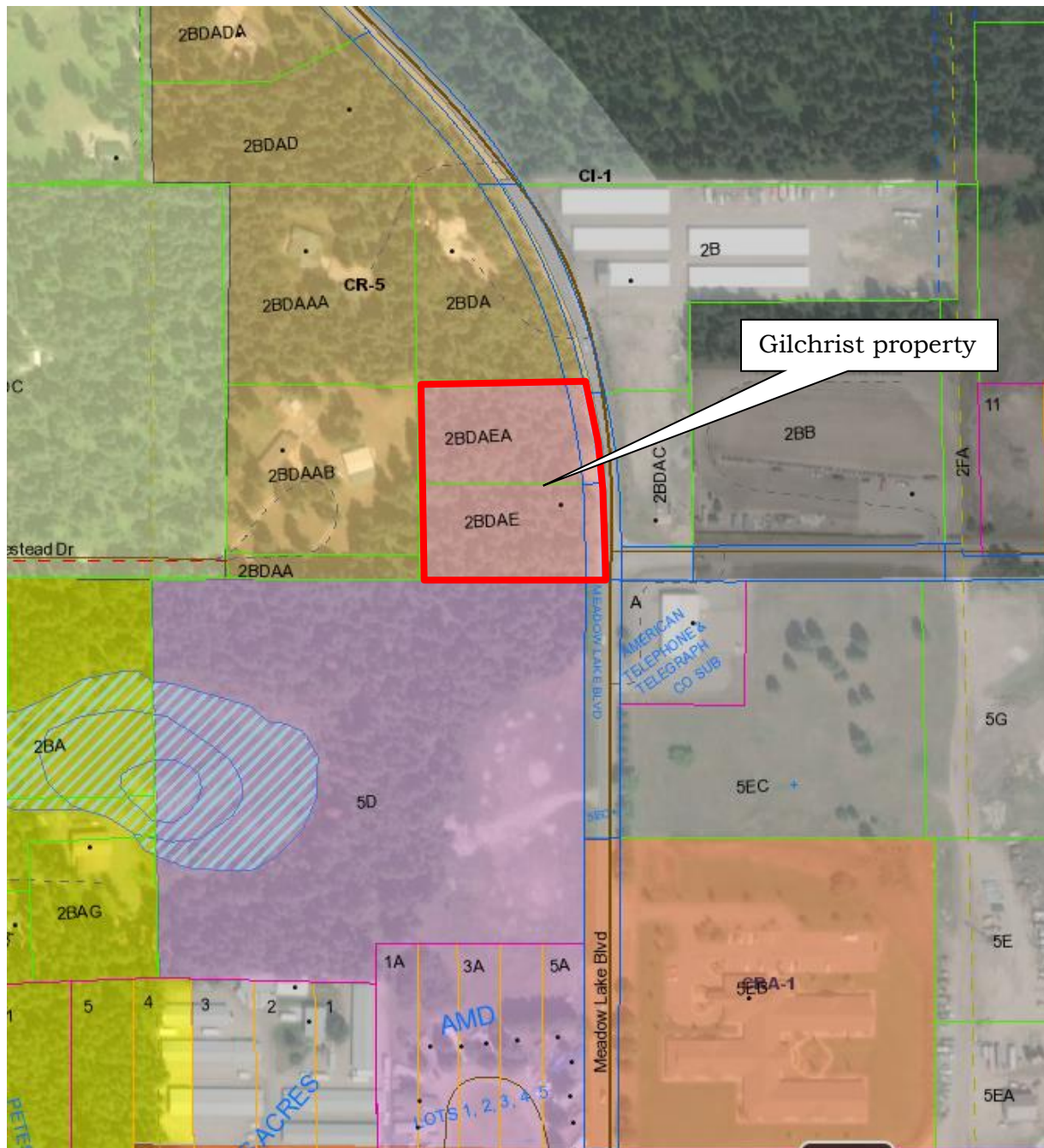
The applicants are seeking a location for multi-family residential projects in the Columbia Falls Area to meet a demand for workforce housing. The Columbia Falls Planning Board and City Council just recently updated the Columbia Falls Growth Policy and added "Multi-Family" densities to the Meadow Lake Boulevard area in order to provide more opportunities for urban development in proximity of the City services such as sewer and water. The CRA-1 zoning would support the goals of the Growth Policy.

F. EXISTING LAND USE

The subject property is currently vacant. The project is located along Meadow Lake Boulevard which is a collector road and transitional area between industrial uses on the east and suburban densities to the west.

G. ADJACENT ZONING AND LAND USE:

North	CR-5	Single Family Residential uses
South	CI-1	Vacant land and a manufactured home park
East	CB-2	Storage warehouses, industrial uses, and Weyerhaeuser lands
West	CR-5 and CR-1	Single Family Residential Uses



Source – Flathead County GIS



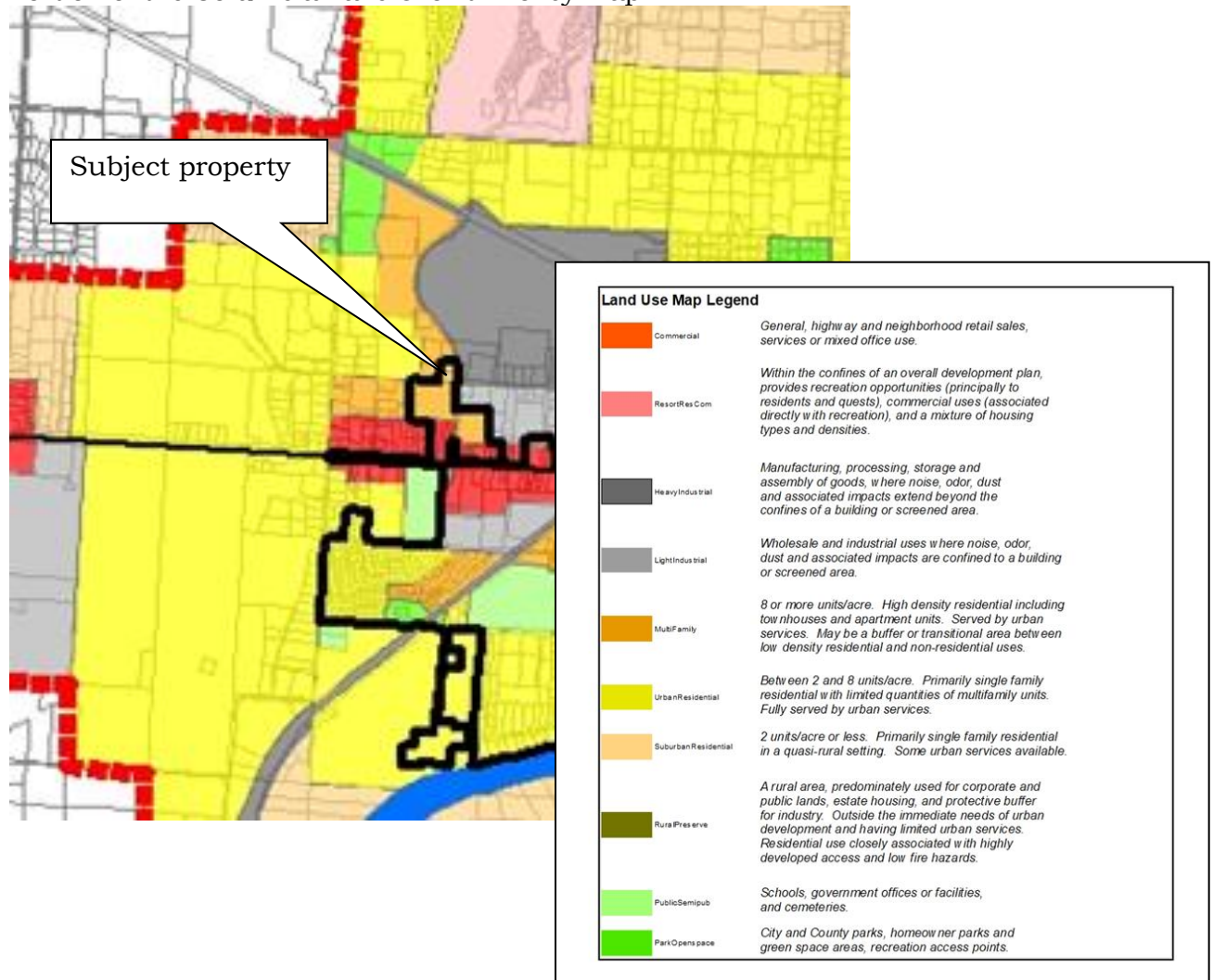
Source: Google Earth - Photo date 7/24/17

H. **GROWTH POLICY DESIGNATION**

The 2019 Columbia Falls Growth Policy Map shows the subject property as well as neighboring properties to the north and south as Multi-Family Residential. Multi-Family Residential is defined in the Growth Policy as “8 or more units per acre. High density residential including townhouses and apartment units. Served by urban

services. May be a buffer or transitional area between low density residential and residential.”

Portion of the Columbia Falls Growth Policy Map



I. UTILITIES/SERVICES

The property is located inside the City limits of Columbia Falls.

<u>Water</u>	Columbia Falls Municipal Water
<u>Sewer</u>	Columbia Falls Municipal Sewer
<u>Fire Protection</u>	Columbia Falls City Fire Department
<u>Police Protection</u>	Columbia Falls City Police
<u>Electricity</u>	Flathead Electric

J. LOT SIZE DETAILS

The site proposed for development is 2.251 (2.029 net) acres in size. The property is currently made up of two parcels. The applicant will be going through an amended plat process to consolidate the lots. The CRA-1 zoning district has a minimum lot size of 7,500 square feet.

This request is reviewed pursuant to the criteria set forth in Section 76-2-304, M.C.A. and as stated by the Montana Supreme Court and Columbia Falls Zoning Code Chapter 18.212, amendments to text or the official map. The following findings are made:

1. Does the requested zone comply with the Growth Policy?

The 2019 Columbia Falls Growth Policy was amended to designate the west side of Meadow Lake Boulevard and south of the viaduct as "Multi-Family Residential". The proposed change from CR-5 to CRA-1 does conform to the Columbia Falls Growth Policy

2. Is the requested zone designed to lessen congestion in the streets?

The entrance to the property is at the intersection of Meadow Lake Boulevard and Best Way which turns into Truck Route to the East. The alignment of the proposed intersection needs to be reviewed and approved by the Columbia Falls Public Works Director as the proposed alignment is somewhat off-center. Meadow Lake Boulevard is a collector street. Currently there are only a couple segments of sidewalk/pedestrian path along Meadow Lake Boulevard and the applicant is showing proposed sidewalk their frontage to address the pedestrian movement.

3. Will the requested zone secure safety from fire, panic, and other dangers?

The project was reviewed by the Columbia Falls Fire Chief at site review and he is satisfied with the basic site plan. Items such as sprinkling and hydrant will be reviewed at the time of public works review and building plan review. The property has good access to City streets but the intersection alignment will need to be reviewed and approved by public works prior to any construction. With the checks in place to review the details of the project, the proposed zone change should not pose hazards to fire, safety, or other dangers.

4. Will the requested change promote the health and general welfare?

The site is not located within a 100-year floodplain, wildland urban interface or other hazards. The subject property is located within the City limits, connects to a City Streets and has access to municipal sewer and water services. Although the site is heavily wooded at present much of that vegetation will be removed for the building, parking and stormwater retention.

5. Will the requested zone provide for adequate light and air?

The subject property is 2.251 acres (net) or 88,357 square feet in size. The applicant states in their application that the proposed buildings are each 8,957 square feet or 17,914 square feet of lot coverage. The Columbia Falls Zoning Ordinance allows of 45% in the CRA-1 designation. The proposed lot coverage is only 20% of the site and well within the maximum of 45%. The proposed zoning and project should provide adequate light and air.

6. Will the requested zone prevent the overcrowding of land?

With CRA-1 (Multi-Family) zoning, the development is subject CUP for approval of anything greater than a duplex. The zoning designation sets minimum setback, maximum lot coverage, maximum height standards, minimum parking requirements, landscaping provisions and snow storage provisions. As the Growth Policy sets the density and land use recommendations for a given area, the zoning implements the

Growth Policy. The densities proposed in this zone change are anticipated by Growth Policy. The zoning, public works and building codes will address the health and safety elements of the proposed project

7. Will the requested zone avoid undue concentration of people?

The proposed zone change request for CRA-1 (Multi-Family) which be in agreement with the growth policy. The subject property has sufficient access and it is located adjacent to or near municipal sewer and water services

8. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The property is located within 1,500-feet of a major arterial street (Highway 2). The subject approach intersects with Meadow Lake Boulevard and Best Way providing access into the downtown by either Truck Route or Highway 2.

Sewer is located within Meadow Lake Boulevard and water approximately 300 feet to the south of the project. A condition of any development is that the City Public Works Department and DEQ approve the sewer, water and stormwater infrastructure prior to construction.

The property will generate school aged children. Using County wide average of 0.31 school aged children per residence. (There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home-schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 36 residential units could generate approximately eleven students to the K–12 grade school system at full buildout. The Columbia Falls School Superintendent was consulted by City Staff and he indicated that there should not be any significant impacts to the school district.

The project is not close to any City Parks. The closest is located south of the project on Talbot road approximately $\frac{3}{4}$ of a mile from the property.

9. Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?

The subject property is relatively flat. The immediate neighbors to the east are industrial uses including the County Green Box site. Properties to the north and west are single family residential. The property to the south is vacant and a manufactured home park. As stated in the Growth Policy multi-family uses are suited as transitional uses between lower density residential and non-commercial use.

10. Does the requested zone give reasonable consideration to the character of the district?

The subject property is a transitional property between industrial uses and single-family residential uses. The Growth Policy recommends that multi-family residential uses be used as the transitional land use between intensive non-residential use and the more sensitive single family residential. The proposed application set does give consideration to the suitability of the district

11. Will the new zoning affect property values?

The property is located along a collector road with industrial uses located along the east side of Meadow Lake Boulevard. To the south of the proposed site is an assisted living facility and a manufactured home park. To the north and west there are several single-family homes located on two or more acres each. Given the surroundings, the density is in line with the assisted living and manufactured home park and the project buffers the single-family use from the industrial uses. The zoning should preserve neighboring property values.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

As stated previously, the multi-family designation is proposed on lands that are transitional in nature. The growth policy and standard land use practice encourage and support multi-family uses as buffers between incompatible uses such as “industrial” and “single family residential.” This is a land use pattern found around the City and other parts of the county.

SUMMARY

The map amendment request conforms to the Columbia Falls City Growth Policy and the findings as discussed above. The project will be fully served by Municipal services. The requested zoning designation is a buffer between neighboring uses.

RECOMMENDATION

Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CZC-21-01 as findings of fact and recommend approval of the requested zone change to the City Council.

Legal Description

Assessor's Tract 2BDAE and 2BDAEA (Tracts 1 & 2 of COS 16142) in Section 7, T30N, R20W, P.M.M., Flathead County, MT.



Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED \$ 1,275

Zone Change Base Fee ~~\$1000~~ 1250
For first 80 acres \$ 25/acre
For each add'l acre over 80 \$ 10/acre
~~Certified Owner's List \$75~~
~~Per each address on list \$5/ea. address~~

NAME OF APPLICANT: Toby Gilchrist

MAIL ADDRESS: PO Box 1059

CITY/STATE/ZIP: Whitefish, MT 59937

PHONE: 406-471-4978

INTEREST IN PROPERTY: Purchasing property, Developer

PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 302 Meadow Lake Blvd, Columbia Falls, MT 59912
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number
(Section, Township, Range) GREENBRIAR, S12, T28 N, R22 W, Lot 21,
S07, T30 N, R20 W, 16142-1, PARCEL N/A, TR 2BDAA IN NE4SW4
(Attach sheet for metes and bounds)
- C. Land in zone change (ac) 2.25 ac
- D. The present zoning of the above property is: CR5, it is two lots that would be consolidated into one.
- E. The proposed zoning of the above property is: CRA-1
- F. State the changed or changing conditions that make the proposed amendment necessary:

The existing zoning does not allow for multifamily over (2) units. The proposed development is for (2) 18 plex multifamily units which requires a multifamily zoning of CRA-1 with a Conditional Use Permit. The proposed buildings are (2) stories in height with (2) studio, (2) 1 bedroom, (8) 2 bedroom and (6) 3 bedroom units per building. The project will provide (2) parking spots per unit. The developer has developed similar units in Whitefish and see a need for these types of units in Columbia Falls

providing a diverse range of amenities, rental rates helping create a healthy housing market for the community.

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

A. Promoting the Growth Policy:

- a. This project meets the overarching goals of the City of Columbia falls growth policy. Per the growth policy map it calls out for growth on this and adjoining lots as Multifamily Residential. An area of concern in Columbia Falls and the Valley has been the increase in costs of housing. This project caters towards affordable housing set at market rates for rent. They will offer a variety of unit sizes and type on the perimeter of town with easy access to Highway 2 a major connecting street. This project will extend sewer and water to the property which is at the end of the City boundary along Meadow Lake Blvd. It will also provide a transition in zoning from the Industrial uses to the South and East and the Single-family residential zoning to the West and North. This project will specifically meet the stated Goals of the Growth policy including: 2, 3, 4, 5, 7 & 8. This project will also meet the stated Goals of providing in assisting in providing an adequate supply and mix of housing options, provide development that does not excessively burden the local government and helps create a solid stable well maintained neighborhood.

B. Lessening congestion in the streets and providing safe access

- a. The project is located on a secondary artery connector Meadow Lake Blvd which access Hwy 2 to the south. Access to the project will be provided by a new approach on the west side of Meadow Lake Blvd and will be positioned directly across from Best Way to maintain adequate geometry at this intersection and promote safe traffic flow. This would limit any congestive effects on the adjacent roadway.

C. Promoting safety from fire, panic and other dangers:

- a. The project provides easy access from Meadow Lake Blvd. with an internal circular drive, providing easy access to the buildings for the Fire and Emergency Services Departments. The buildings will be sprinkled and also provide hose connections off each building.

D. Promoting the public interest, health, comfort, convenience, safety and general welfare

- a. The site is located outside of the 100-year floodplain, wild and urban interface or other hazards. The subject property is located within the City limits, will connect to City Streets and has access to municipal sewer and water services.

E. Preventing the overcrowding of land

- a. With the CRA -1 Multifamily zoning, the development is subject to a CUP requirement for approval of anything greater than a duplex. The minimum lot area is 7,500 sf. The combined lots are lot coverage of the lots is 88,357 sf. The allowed lot coverage is 45%, the proposed development has (2) 8,957 sf buildings and lot coverage is 20% which is much below the allowed %. Buildings over 10,000 sf would be required to adhere to the Large Building Standards if exceeded.

F. Avoiding undue concentration of population

- a. The growth policy recommends between 8 to 20 dwellings per acre on this property, that would be between 18 to 45 dwellings. The project is proposing 36 units and is within the recommended amounts. The unit types are a variety of sizes and scales providing studio, 1-, 2-, & 3-bedroom units.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

- a. The site is located within 1,500 feet of Hwy 2 providing easy links to a major arterial street. Meadows lake Blvd is a major city street and would not be impacted by the overall use of the project. The property will generate school aged children but the size and scale of the project should not impact the overall school system. The buildings are within ½ mile of the Middle school and 1 mile of the High school providing walking distance or easy drop off for kids. The project is within the same distance of Park spaces related to the school.
- b. A 10" water main is located along the east side of Meadow Lake Blvd approximately 300 feet south of the site and can be extended to the north to serve this project for domestic and fire flows. Sewer service will be provided via an existing 6" pvc pressurized sewer main within Meadow Lake Blvd. Therefore, no extension of sewer mains should be required and pressurized sewer services will be able to serve the development.

H. Giving reasonable consideration to the character of the district

- a. The property is a transitional piece between commercial/industrial uses and single-family residential uses. The Growth Policy recommends that multi-family residential uses be used as the transitional land use between these more intense uses and sensitive single family residential uses. There is limited actual building structures in the direct vicinity but the buildings have been pulled back from Meadow Lake Blvd and orientated on the site so that the parking will be between the units and with drive access directly across from Best Way.

I. Giving consideration to the peculiar suitability of the property for particular uses

- a. The property has a gentle slope running north to south and we have located the building to run East/West to best work with the slope. Each building has (3) access points and will provide more of an individual type entrance for each of the units. Each unit has a deck structure that will provide exterior spaces for the residences. The site is heavily wooded and tree rendition around the edges of the property will be a primary goal to provide a buffer between the buildings and adjoining properties. The middle of the site will need to be graded and leveled to make the grades work for the buildings and the parking. The buildings are (2) stories in height and have gently sloping roofs, keeping the overall massing down in scale. The buildings are broken up into varied shapes and forms to allow for a change in massing related to the project. There are no known environmental hazards on the property.

J. Protecting and conserving the value of buildings

- a. The adjoining properties are storage units, vacant land and (1) single family residence to the West and North. We do not see this project harming the overall property values of the area but it may affect the character of the property to the West by removing much of the overall growth on the site. As such we plan on keeping as much of a buffer to the West and North as possible.

K. Encouraging the most appropriate use of land by assuring orderly growth

- a. Per the Growth Policy, multifamily residential is the designated growth for this piece providing a buffer between the single-family residences and Industrial uses seen adjacent to the site.

The signing of this application signifies approval for Columbia Falls Planning staff to present on the property for routine monitoring and inspection during approval process.

DocuSigned by:

1/4/2021

A handwritten signature in blue ink, appearing to be "J. L. Smith", is written over a horizontal line.

790D305560014C6

(Applicant Signature)

(Date)

APPLICATION PROCESS**APPLICABLE TO ALL ZONING APPLICATIONS:**

A. Pre-Application Meeting:

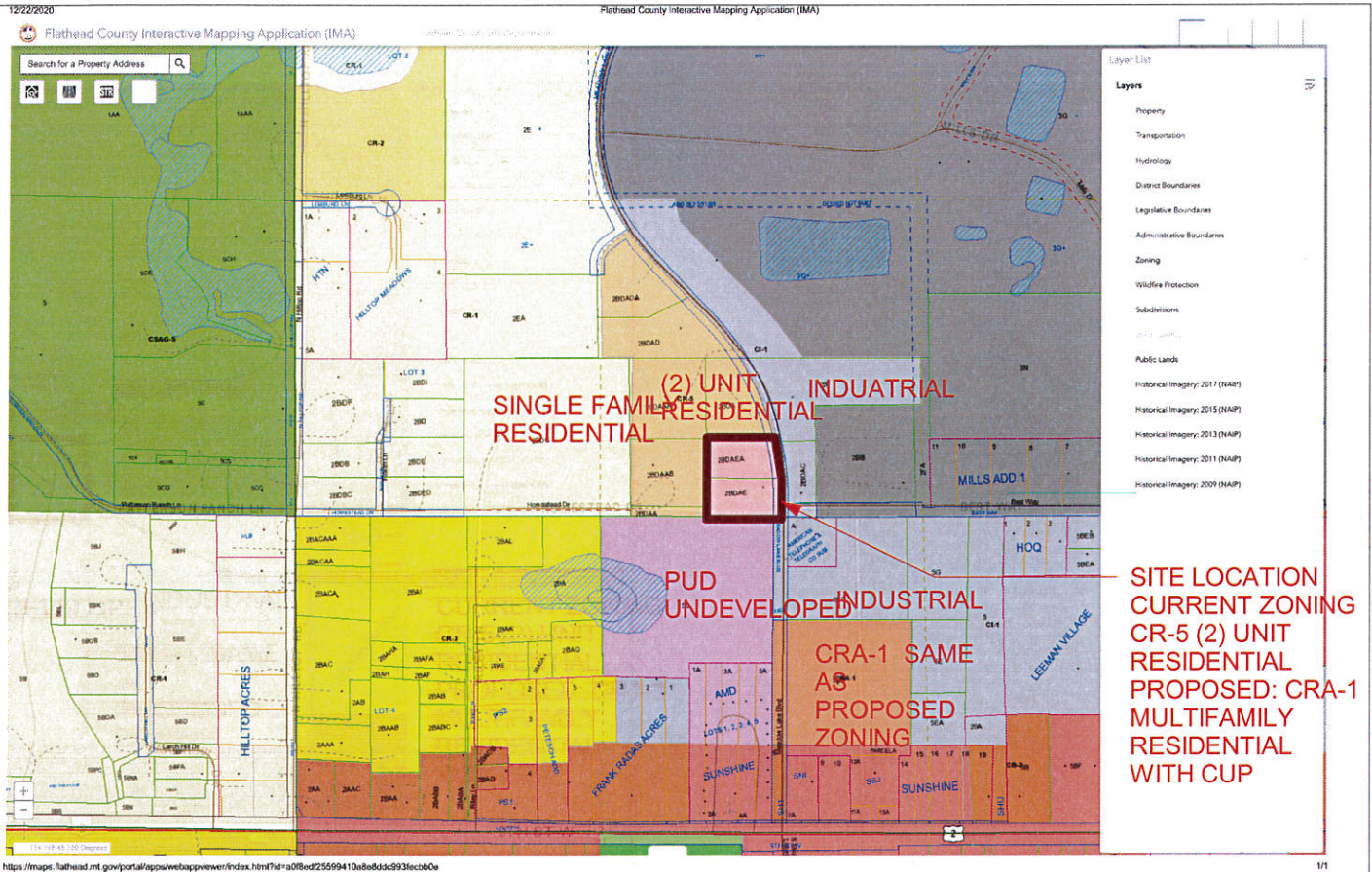
A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. The application must be accepted as complete by the Columbia Falls Planning staff **thirty-five (35) days prior** to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought.
2. A map showing the location and boundaries of the property.
3. A title report of the subject property.



1 ZONING MAP

A1.1 1/2" = 1'-0"

MEADOW LAKE BLVD APARTMENTS

ZONING

MEADOW LAKE BLVD
COLUMBIA FALLS, MT

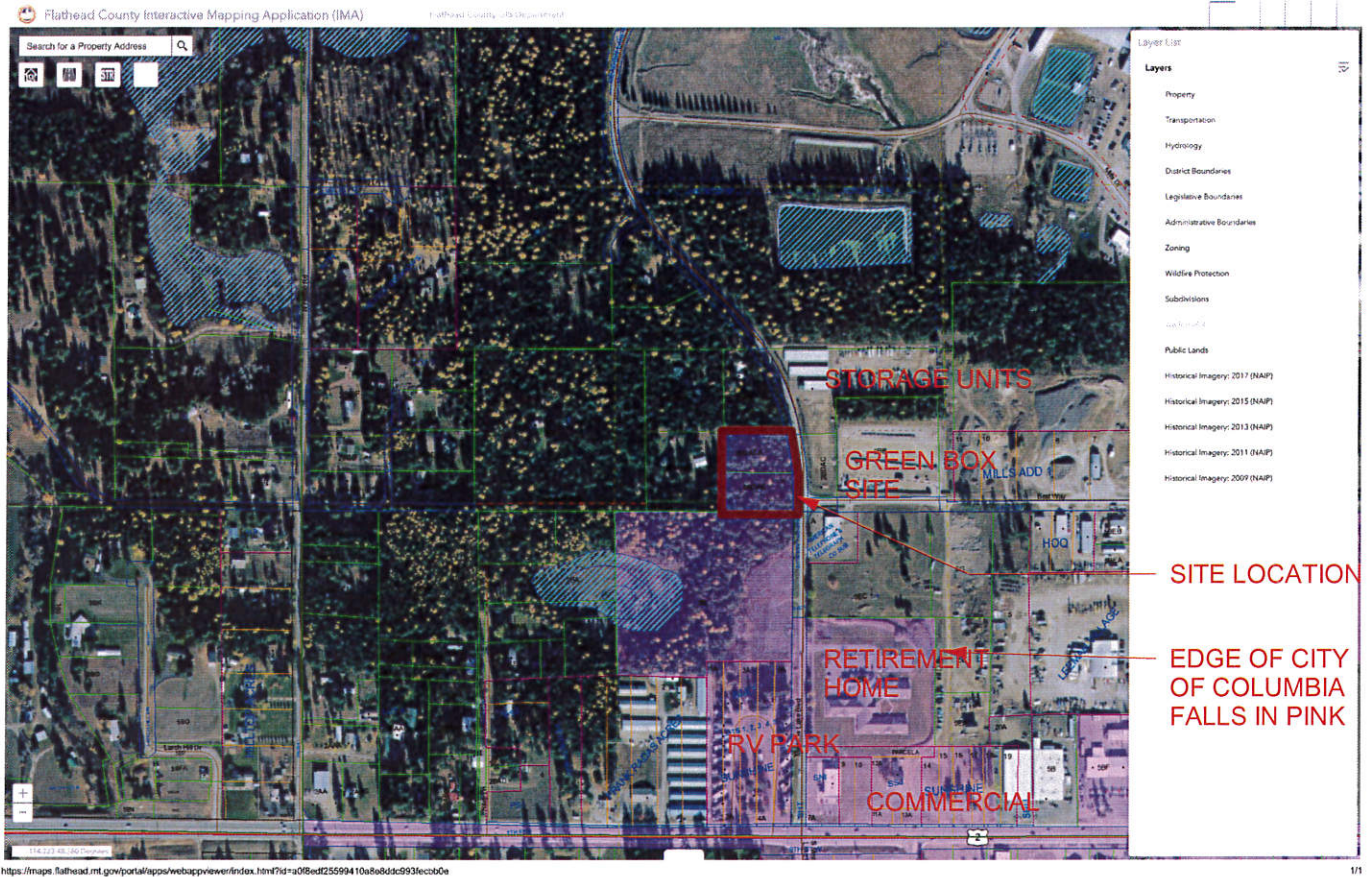
1-4-21

Montana Creative
architecture + design



12/22/2020

Flathead County Interactive Mapping Application (IMA)



1 SITE BACKGROUND

A1.2 1/2" = 1'-0"

MEADOW LAKE BLVD APARTMENTS

AREA MAP

MEADOW LAKE BLVD
COLUMBIA FALLS, MT

1-4-21

Montana Creative
architecture + design



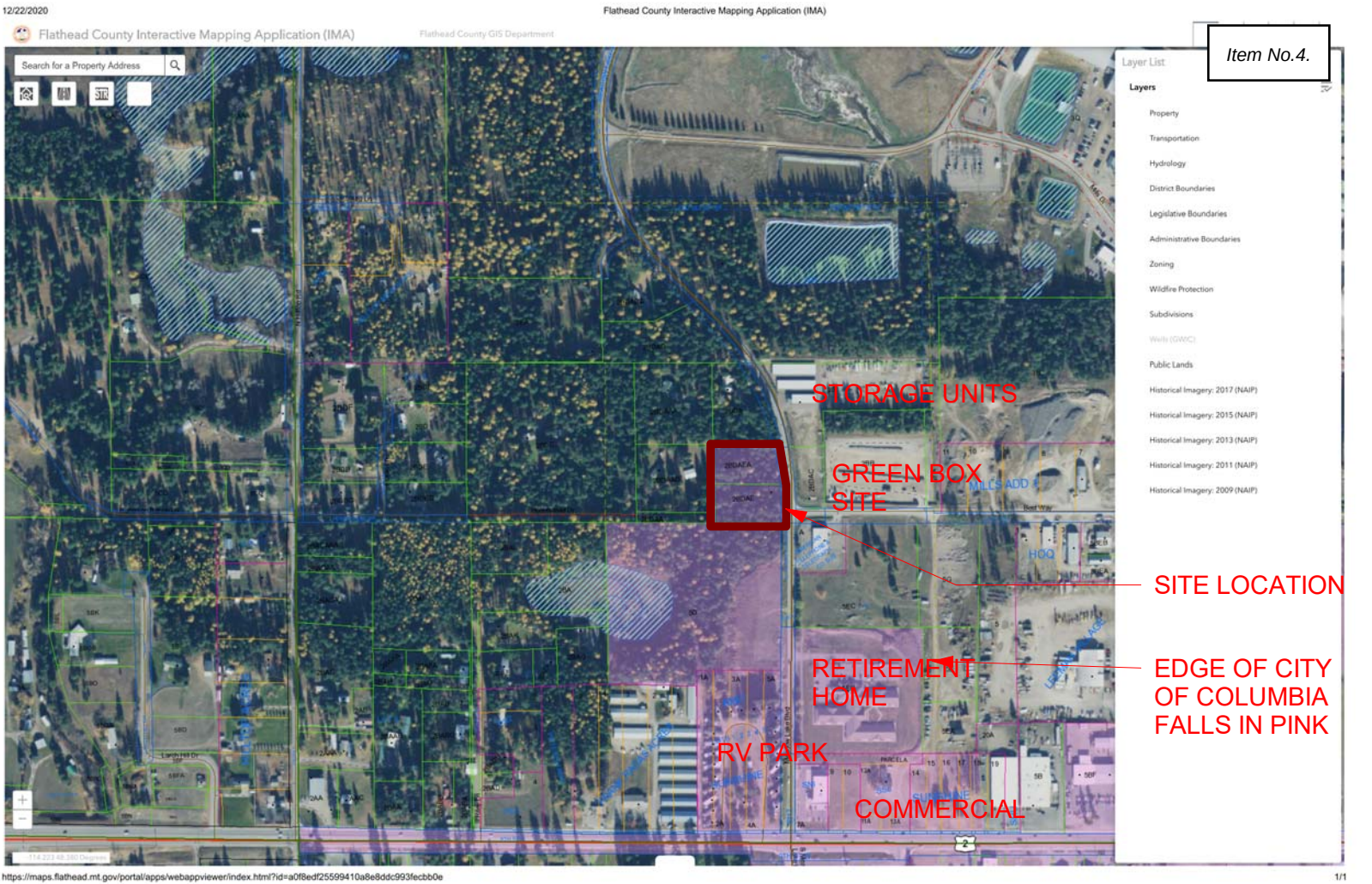

$$1/2'' = 1'-0''$$

ZONING

MEADOW LAKE BLVD
COLUMBIA FALLS, MT

Montana Creative
architecture + design







130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Planning Department

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.4.

January 19, 2021

Re: Public hearing notice for a Zone Change to CRA-1 (multi-family residential) and CUP to construct 36 apartment units.

Dear Adjacent Property Owner:

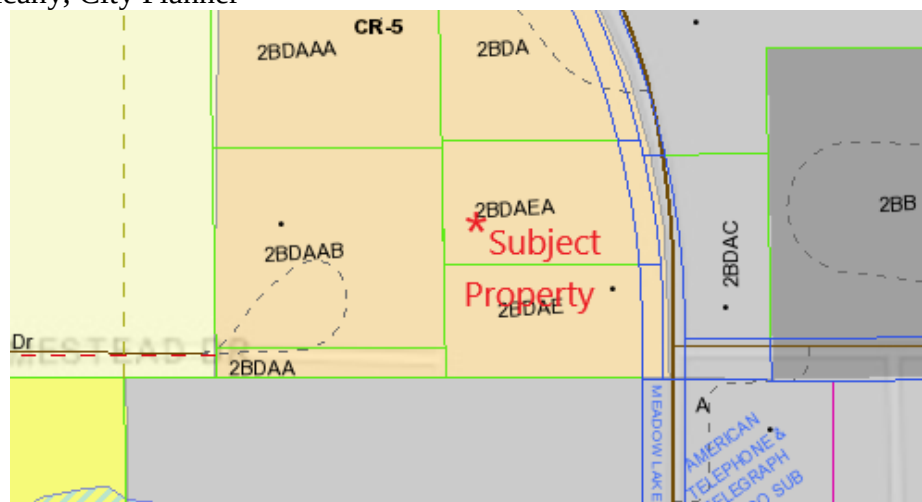
Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with a notice of a public hearing for a Zone Change and Conditional Use Permit (CUP). The Zone Change would convert the existing CR-5 (Two-Family Residential) designation to a CRA-1 (Multi-Family Residential) designation. If the zone change is approved the applicant will proceed with a CUP request to construct 36 apartment units in two buildings, eighteen units each. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile north of Highway 2 at 302 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.

If you have question or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday February 4, 2021 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comment may be provided up to 5:00 pm on the day of the hearing; it will just be emailed and/or passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner



CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, February 9, 2021 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday March 1, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

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 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.

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.

Request 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 2BDAAE of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Conditional Use Permit to construct 36 units of Apartment in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile

north of Highway 2 at 302 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.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 19th day of January, 2021

Susan Nicosia

Susan Nicosia, City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

**CONDITIONAL USE PERMIT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION**

Item No.5.

COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CCU-21-01

**Toby Gilchrist
January 28, 2021**

1

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to permit a conditional use located at 302 Meadow Lake Boulevard. The Conditional Use request is scheduled for a public hearing before the Planning Board on Tuesday, February 9, 2021 at 6:30 PM and Columbia Falls City Council on Monday, March 1, 2021 at 7:00 p.m.

BACKGROUND INFORMATION

A. PETITIONERS

Owner: Thomas Hyon Su
P.O. Box 3299
Friday Harbor, WA 98250

Applicant: Toby Gilchrist
P.O. Box 1059
Whitefish, Mt 59937

B. PETITIONER'S TECHNICAL ASSISTANCE

Aaron Wallace
Montana Creative
158 Railway Street
Whitefish, MT 59937
(496)862-8152

C. LOCATION/DESCRIPTION

The property is located at 302 Meadow Lake Boulevard in Columbia Falls. The property is described as Assessor's Tract 2BDAE and 2BDAEA (Tracts 1 & 2 of COS 16142) in Section 7, T30N, R20W, P.M.M., Flathead County, MT.

D. REQUEST

The applicant is requesting a Zone Change and CUP to develop a multi-family apartment complex on 2.251 acres. The applicant proposes 36 units in two buildings. Each building is two stories in height, 26 9 ½', and will consist of 18 total units consisting of 2 studio units, 2 one-bedroom units, 8 two-bedroom units, and 6 three-bedroom units.

E. NATURE OF THE REQUEST

As required by the CRA-1 zoning, a Conditional Use Permit is required for the construction of multi-family building in excess of a duplex building. In this case the applicant is requesting the CUP for 36 apartment units. The applicants are seeking a location for multi-family residential projects in the Columbia Falls Area to meet a demand for workforce housing. The Columbia Falls Planning Board

and City Council just recently updated the Columbia Falls Growth Policy and added “Multi-Family” densities to the Meadow Lake Boulevard area in order to provide more opportunities for urban development in proximity of the City services such as sewer and water. The CRA-1 zoning would support the goals of the Growth Policy.

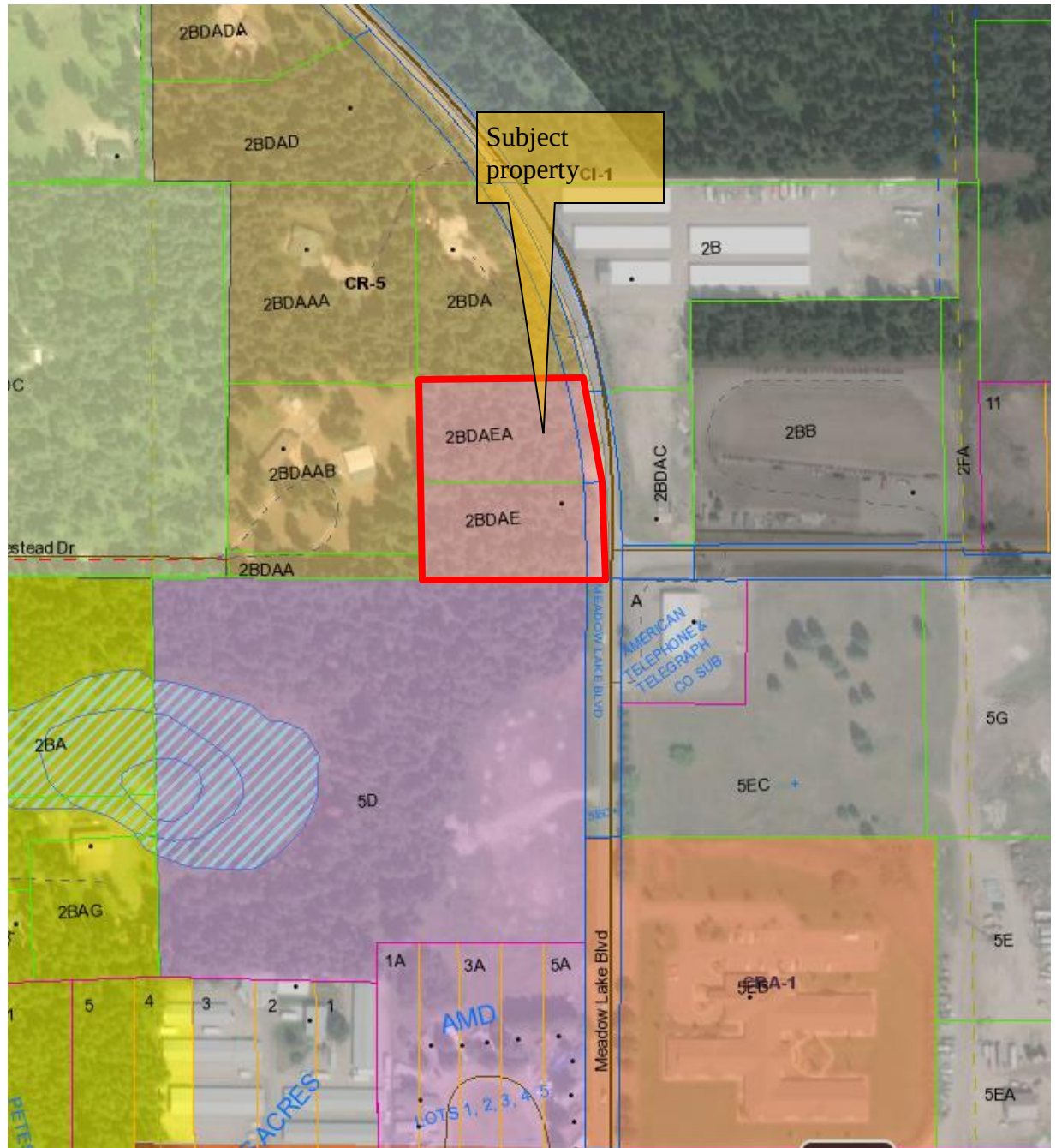
F. EXISTING LAND USE

- G. The subject property is currently vacant. The project is located along Meadow Lake Boulevard which is a collector road and transitional area between industrial uses on the east and suburban densities to the west. The property is heavily forested.



H. ADJACENT ZONING AND LAND USE:

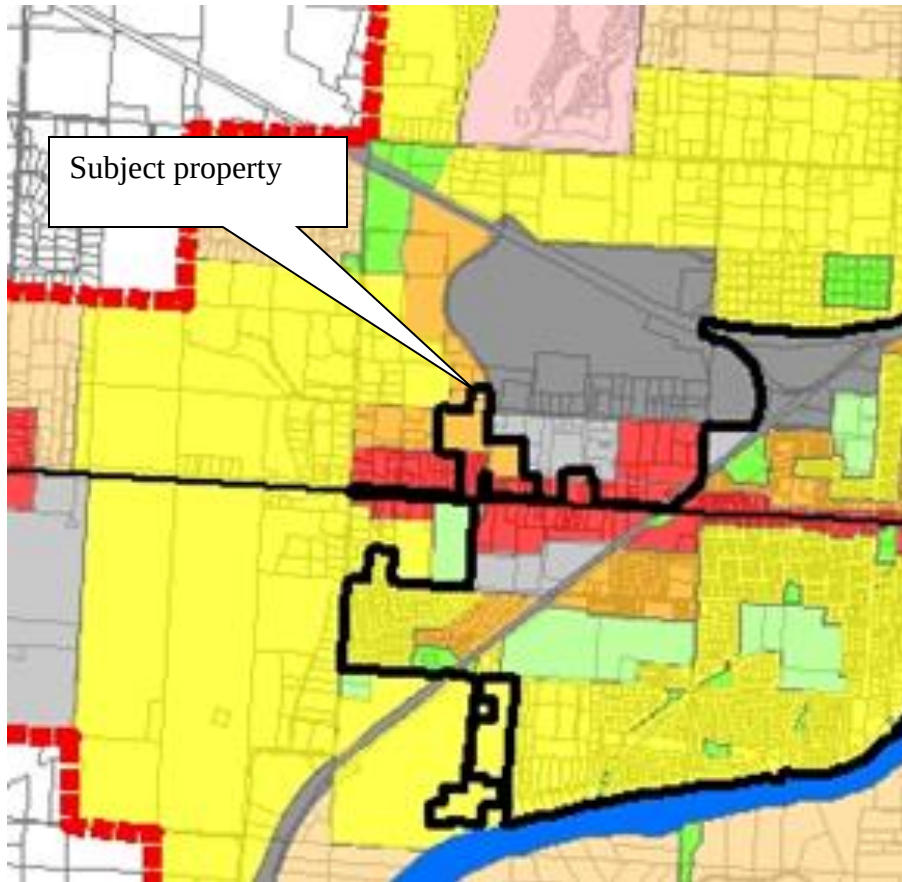
North	CR-5	Single Family Residential uses
South	CI-1	Vacant land and a manufactured home park
East	CB-2	Storage warehouses, industrial uses, and Weyerhaeuser lands
West	CR-5 and CR-1	Single Family Residential Uses



Source Flathead County GIS Subject Parcels are outlined in red

I. **GROWTH POLICY DESIGNATION:**

- J. The 2019 Columbia Falls Growth Policy Map shows the subject property as well as neighboring properties to the north and south as Multi-Family Residential. Multi-Family Residential is defined in the Growth Policy as “8 or more units per acre. High density residential includes townhouses and apartment units. Served by urban services. May be a buffer or transitional area between low density residential and non-residential.”

**I. UTILITIES/SERVICES:**

Sewer: City Sewer is available

Water: City Water is available with extension of main

Solid Waste: Private Contract Hauler

Police: Columbia Falls Police

Fire: Columbia Falls Fire Department

EVALUATION BASED ON REQUIRED CRITERIA

18.332.030 Criteria Required for Consideration of a Conditional Use Permit:

A Conditional Use Permit may be granted only if the proposal, as submitted, conforms to all of the following general Conditional Use Permit criteria, as well as to all other applicable criteria that may be requested.

- a. Site Suitability. (That the site is suitable for the use) This includes:
- i) Adequate Usable Space: The site proposed for development is 2.251 (2.029 net) acres in size or 88,383 square feet net and the CRA-1 zoning district has a minimum lot size of 7,500 square feet. The Columbia Falls Zoning Ordinance allows maximum lot coverage of 45%. Each of the proposed buildings are 8,957 square feet or 17,914 square feet of lot coverage for both giving a lot coverage of 20% for the site. The parking requirement for 36 units regardless of bedrooms is two spaces per unit. The applicants are proposing 72 spaces. The applicant is able to provide parking spaces, comply with setbacks, and provide required landscape buffers.
 - ii) Adequate Access: The property fronts on Meadow Lake Boulevard so the access is good however the applicants will need to work with the Public Works Department to assure that the alignment with Best Way meets the City's Standards.

Parking Lots: The applicant proposed parking for the development on-site. The parking lot as proposed will have two-way access with a single approach onto Meadow Lake Boulevard at the intersection with Best Way. It appears that the turning radius at the west end of the parking lot is too tight to allow a fire truck to make it around the parking island. The applicants will need to work with the Public Works Director and the Fire Chief on the turning radius or provide other mitigations to satisfy the Fire Chief.

Pedestrian Access: The Concept Site Plan dated 1/4/2021 of the application package shows internal pedestrian walkways as well as a sidewalk along the Meadow Lake Boulevard frontage. The internal access looks good and provides access to the buildings from the parking areas as well as a pedestrian connection from the building to the sidewalk. The Site Plan notes indicate that all of the sidewalks are concrete and are all five feet wide or wider. Not all of the site plans show the sidewalk extending to the south edge of the property, but the regulations do require sidewalk for the full length of the frontage unless approved otherwise by the Public Works Director for safety reasons.

- iii) Absence of Environmental Constraints: As the development will be served by public sewer and water, there does not appear to be any significant environmental constraints. As the lot is mostly flat with the exception of the southeast corner. There does not appear to be any danger of flooding or slumping. The applicant is required to maintain all drainage on-site as part of the public works and building permit approval process. The drainage requirement protects adjoining neighbors from this project's roof and parking lot run-off.

- b. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
- i) Parking Scheme: There is no on-street parking available so the zoning regulations require off-street parking at a ratio of two spaces per unit. The applicant is showing 72 parking spaces which meet the requirements of the zoning code. All parking lots and driveways will be paved with a 5 foot landscape buffer along the western property line and 15 feet along Meadow Lake Boulevard. The site plans are meeting the setbacks with room to spare. The parking is internal of the development providing convenient movement from the spaces to the units.
 - ii) Required parking for Residential Apartment (18.518) is a minimum of two spaces per residential unit. The application indicates the correct number of parking stalls for the building types.
 - iii) Traffic Circulation: Access to the lot is via Meadow Lake Boulevard which is a collector street in Columbia Falls. Each residential unit is anticipated to generate up to 10 vehicle trips per day, therefore, this project could create 360 trips. Meadow Lake Boulevard should be able to handle the proposed traffic.
 - iv) Open Space: The applicant's proposal meets all front, side and rear yard setbacks as required by zoning.
 - v) Fencing/Screening: The applicant proposes to leave native vegetation in the setback areas as buffers. The application indicates that no fencing is proposed.
 - vi) Landscaping: The applicant is providing a 10 to 15-foot wide landscape buffer on the north and south property lines. It appears that the front and back setbacks greatly exceed the minimum setbacks. Most of the site will be disturbed by the construction of this project and most of the trees will be removed. The applicant provides a conceptual landscaping plan showing that all disturbed areas not covered with building or asphalt will be relandscaped. A detailed landscape plan compliant with the small building standards ((18.441.070) will be provided to the City for review and approval prior to the issuance of a building permit.
 - vii) Signage: Signage will conform to existing Columbia Falls sign regulations for the CRA-1 zone. The applicants propose building mounted signage but no details as yet. The Sign Ordinance will limit the sign to 16 square feet per face maximum if an identification sign is requested.
- c. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
- i. Schools: There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 36 new lots would generate eleven

students to the schools system. The additional students should not negatively impact the School District.

ii. Parks and Recreation: The applicants are not proposing any significant open space or recreational amenities on-site. The project is not close to any public parks with the closest being $\frac{3}{4}$ mile to the south at John Horine Park. The City has required other multi-family projects to provide some park amenities such as the Highline Development and each of the apartments on Diane Road were required to dedicate \$1,000.00 to amenities in John Horine Park. The Planning Board may require amenities such as playground equipment and picnic tables be installed on-site or some cash-in-lieu of park to address the lack of recreation elements in the application.

iii. Police: The Columbia Falls Police Department is responsible for the proposed development. The development may have a slight increase in potential impact as it brings 36 more residential units to the City and these families will be living in close proximity to each other.

iv. Fire Protection: The Columbia Falls Fire Department provides fire protection to this neighborhood. The Columbia Falls Building Inspector will review the development for all building and fire code requirements. Hydrants will be installed with the project and the number and locations will be reviewed and approved by the Columbia Falls Public Works Director and Fire Chief.

v. Water: City water service is available approximately 300 to the south along Meadow Lake Boulevard.

vi. Sewer: All lots will be serviced by City Sewer. Sewer main is located in Meadow Lake Boulevard.

vii. Solid Waste: The applicants show a refuse receptacle on the northeast corner of the parking lot. Impact to the Flathead County landfill should be minimal. The owner shall make arrangements with a private hauler to collect and remove solid waste from the site.

- d. Immediate Neighborhood Impact. The proposal is similar in size and nature to the existing development such as the assisted living facility and the manufactured home park located to the south. The proposed apartments also buffer the industrial uses on the east side of Meadow Lake Boulevard from the single family uses located to the north and west of the property. The applicants are proposing to provide larger than required setbacks and native vegetative buffers on all four sides of the project.
- e. Typical negative impacts which extend beyond the proposed site include, but are not limited to:

- i) Excessive Traffic Generation: At build-out, there will be some increase over current traffic volumes however, the traffic volumes and patterns have been reviewed during this process and appear reasonable for Meadow Lake Boulevard. From the development, traffic can either take Best Way to Truck Route and into the City or it can take Meadow Lake Boulevard to the south and Highway 2 for east/west travel.
- ii) Noise or Vibration: There will be noise and activity associated with the normal construction process. Once completed, further activity will be residential in use with all traffic, garbage, light and noise consistent with that use.
- iii) Dust, Glare, Or Heat: No change to existing conditions is anticipated.
- iv) Smoke, Fumes, Gas, and Or Odors: No change to existing conditions is anticipated.
- v) Inappropriate Hours of Operation: None proposed.
- vi) Signage: 18.438.010 Permitted Signs in Zoning Districts allows the applicant to have signs that comply and do not to exceed the standards of section 18.438.080(3).

APPLICABLE REGULATIONS

The following sections of the Columbia Falls Zoning Regulations are applicable to this proposal:

Chapter 18.210 Conditional Use Permits

Chapter 18.332 CRA-1 Residential Apartment

Chapter 18.504.030 Parking facilities

Chapter 18.438 Signs

Chapter 18.441 Small Buildings (less than 10,000 square feet)

SUMMARY

The Conditional Use Request for permitting 36 apartment units in two buildings located at 302 Meadow Lake Boulevard. Staff recommends that the CUP should be approved based upon the information presented in the attached application and a review of the property and the associated findings of fact.

1. The multi-family nature of the project complies with the recommendations of the Columbia Falls City-County Growth Policy. The building design has incorporated design elements as required in the small building standards.
2. The proposal meets or exceeds the minimum setback, parking, and small building standards and the project is well under the maximum lot coverage and height standards.
3. Environmental constraints from the development are considered to be minimal.
4. The project density and intensity is consistent with some neighboring uses.

RECOMMENDATIONS

In accordance with 18.210.100 the Columbia Falls Planning Board and City Council must make a finding of fact for the items enumerated in the “evaluation based on criteria.”

Staff recommends that the Planning Board adopt this report as findings of fact and send a recommendation for approval of CCU-21-01 with conditions to the Columbia Falls City Council. The granting of this conditional use is contingent upon the facilities initial and continued compliance with the following conditions of approval:

1. The applicant shall develop the project as proposed, except as modified by these Conditions.
2. The applicant shall secure approval of the Public Works Director for the new approach alignment with Best Way.
3. The Applicants shall provide parking lot details showing that the parking lot can meet turning radius requirements for fire trucks or provide suitable turnaround in the parking lots for emergency vehicles such as a fire truck.
4. The applicant shall pave all parking areas and driveways.
5. The applicant shall provide an engineered drainage plan to address on site storm water disposal. In addition, the applicant shall designate a snow storage area on site to accommodate parking lot snow disposal. This plan will need to be accepted by the City Public Works Department prior to issuance of a building permit.
6. The applicant shall fully enclose with a fence or screen with growing materials the garbage collection site as shown on the site plan.
7. All sewer and water hookups shall be built according to plans and specifications approved by the City of Columbia Falls and meeting the City Standards for Public Works Improvements and the Montana Public Works Standard Specifications. If

applicable the sewer, water, and stormwater extensions shall also be approved by the MDEQ.

8. The Public Works Director and Fire Chief shall approve the number and placements of proposed fire hydrants.
9. All internal parking lot lighting and exterior building lighting shall comply with the Columbia Falls Zoning Ordinance and be fully shielded. Parking lots lighting shall be a maximum 18 feet tall measured from finish grade to the top of the fixture.
10. A detailed landscape plan compliant with the small building standards ((18.441.070) will be provided to the City for review and approval prior to the issuance of a building permit.
11. All conditions provided above and all improvements necessary for the operation of an apartment complex must be in place prior to the occupancy of the complex. Any elements such as landscaping not finished prior to the issuance of an occupancy permit, may be bonded for with signed improvements agreement approved by the City Manager for an amount not less than 125% of the cost of the remaining improvement.
12. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations.
13. The applicant shall provide on-site recreational amenities such as playground equipment and picnic tables or provide a cash-in-lieu payment to the City the amount of which will be determined by the applicant and City Council.
14. As proposed in the building perspectives, the applicant shall provide two bike racks per building.
15. The Conditional Use Permit shall terminate 18 months from the date of issuance if commencement of the authorized activity has not begun.



Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391

FAX (406) 892-4413

APPLICATION FOR CONDITIONAL USE PERMIT

FILING FEE ATTACHED \$ 1,500

PROPOSED USE: The project consist of (2) new Multifamily buildings with (2) studio, (2) 1 bedroom, (8) 2 bedroom and (6) three bedroom residential units per building available for rent at market rates. The buildings will be (2) stories each with (3) separate entrances divided between the units. The buildings will be broken up in varied massing, materials and roof forms. The units will each have an exterior patio or deck space and at least (1) ADA unit per building. Each unit will have (2) associated parking spaces. The site is apx. 2.25 acres and slopes from North to South and is heavily wooded. We will be providing new access directly across from Best Way and enter the site from the SE corner to a looped parking lot between the buildings which will run East/West to work best with grade. The buildings will be set back off the edges of the site to provide as much of a landscape buffer as possible between the adjacent lots. Much of the interior of the site will be graded and leveled as required. Garbage and utilities will be provided onsite. Sewer and Water will be extended up Meadow Lake Blvd to the site.

(Describe in detail, indicate if continued to attached pages)

OWNER(S) OF RECORD:

Name: Thomas Hyon Su

Mailing Address: _PO BOX

City/State/Zip: 3299 FRIDAY HARBOR WA 98250 Phone:

PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:

NAME OF APPLICANT: Toby Gilchrist

MAIL ADDRESS: PO Box 1059

CITY/STATE/ZIP: Whitefish, MT 59937 PHONE: 406-471-4978

INTEREST IN PROPERTY: Purchasing property, Developer

LEGAL DESCRIPTION OF PROPERTY (Refer to Property Records):

Address of the property: 302 Meadow Lake Blvd, Columbia Falls, MT 59912

Legal Description: (Subdivision Name, Lot & Block and/or Tract Number

(Section, Township, Range) GREENBRIAR, S12, T28 N, R22 W, Lot 21,

The Applicant is responsible for providing sufficiently complete information (see 18.210.090). Attached is the ***Required Criteria for Conditional Use Application*** the Planning Board and Council must use to create a "Finding of Fact" in making a decision. Please review the Criteria carefully before providing the following information and documents.

1. Zoning District and Zoning Classification in which use is proposed:
Existing: CR5, Proposed with associated Zone Change: CRA-1
2. Attach a plan of the affected lot which identifies the following items:
 - a. Surrounding land uses.
 - b. Dimensions and shape of lot.
 - c. Topographic features of lot.
 - d. Size(s) and location(s) of existing buildings.
 - e. Size(s) and location(s) of proposed buildings.
 - f. Existing use(s) of structures and open areas.
 - g. Proposed use(s) of structures and open areas.
 - h. Existing & proposed landscaping and fences.
3. On a separate sheet of paper, discuss the following topics relative to the proposed use:
 - a. Traffic flow and control.
 - b. Access to and circulation within the property.
 - c. Off-street parking and loading.
 - d. Refuse and service areas.
 - e. Utilities.
 - f. Screening and buffering.
 - g. Signs, yards and other open spaces.
 - h. Height, bulk and location of structures.
 - i. Location of proposed open space uses.
 - j. Hours and manner of operation.
 - k. Noise, light, dust, odors, fumes and vibration.
 - l. If the application is for a home occupation conditional use permit provide the following information:
 - 1 Number of employees that will work on the premises.
 - 2 Number of employees that are not family members residing at the premises.
 - 3 Estimated number and frequency of clients/patrons that will visit the on-site business.
 - 4 How much area will be used for the business. Compared to the area used for residential purposes.
4. Attach supplemental information for proposed uses that have additional requirements.

18.210.090 Burden of proof.

The burden of proof for satisfying the aforementioned criteria shall rest with the applicant and not the planning board. The granting of a conditional use permit rests in the discretion of the city council as to whether or not the proposal conforms to the criteria and requirements set forth in Chapter 18.210.080

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this

application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken. The signing of this application signifies approval for the planning staff to be present on the property for routine monitoring and inspection during the approval and development process.

Applicant Signature  Date 1-4-21

Required Criteria for Conditional Use Application

18.210.080 Criteria required for consideration of a conditional use permit.

A conditional use permit may be granted only if the proposal, as submitted, conforms to all of the following general conditional use permit criteria, as well as to all other applicable criteria that may be requested.

- A. Site Suitability. That the site is suitable for the use. This includes:
1. Adequate usable space,
 2. Adequate access, and
 3. Absence of environmental constraints.
- B. Appropriateness of Design. The site plan for the proposed use will provide the most convenient and functional use of the lot. Consideration of design should include:
1. Parking scheme,
 2. Traffic circulation,
 3. Open space,
 4. Fencing/screening,
 5. Landscaping, and
 6. Signage.
- C. Availability of Public Services and Facilities. The following services and facilities are to be available and adequate to serve the needs of the use as designed and proposed:
1. Sewer,
 2. Water,
 3. Storm water drainage,
 4. Fire protection,
 5. Police protection, and
 6. Streets.
- D. Use will not be detrimental to abutting properties in particular and the neighborhood in general. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
1. Excessive traffic generation,
 2. Noise or vibration,
 3. Dust, glare, or heat,
 4. Smoke, fumes, gas, or odors, and
 5. Inappropriate hours of operation
 6. Economic impacts if the building is a large building with a minimum floor area of 60,000 square feet.

On a separate sheet of paper, discuss the following topics relative to the proposed use:

Traffic flow and control, Access to the circulation within the property, Off-street parking and loading

Traffic is accessed off of Meadow Lake Blvd which is a secondary artery connector to Hwy 2, which is about 1,500 feet away from the site. We would anticipate that most of the people accessing the site would be going to and from Hwy 2 which would be a left entrance and right exit from the site. The access point to the site will be located directly across from Best Way to maintain adequate geometry at this intersection and promote safe traffic flow. Per the City, no Traffic Study is required under 40 units, we are proposing 36 unit. Access to the project will be provided by a new single approach on the west side of Meadow Lake Blvd. It will be built to sufficient width and grade to facilitate 2-way traffic in and out of the site and provide appropriate sight distance. Internally, the parking lot contains a looped driving lane to provide two-way traffic and adequate access to parking stalls. Internal driving lanes will be 24 feet in width and the looped configuration will aid in circulation within the site to reduce vehicle maneuvering. There are 3 ADA parking spots, sidewalks from the parking areas to the buildings and per the request of the city, along Meadow Lake Blvd. There are 2 parking spots per each unit for a total of 72 spots. This meets the City requirements and is in excess of new parking unit standards often seen in other municipalities.

Refuse and service areas.

The project is within the service area of Evergreen Disposal for refuse collection. The development is anticipated to be served by two front-loading garbage bins which will be located on a concrete pad with a fenced enclosure near the northeast corner of the site.

Utilities

The site will have utilities brought in from Meadow Lake Blvd. This includes City Water, Sewer and Electricity. These will be brought into each of the buildings with (1) meter located on each of the buildings on the North façade facing Meadow Lake Blvd. The buildings will be Fire Sprinkled and provide a Hose bib connection off each of the buildings.

A 10" water main is located along the east side of Meadow Lake Blvd approximately 300 feet south of the site and will be extended to the north edge of the site as part of this project. This extension will include adequate fire hydrant spacing and will be coordinated with the Public Works Department to address any specific requirements for construction and sizing of the main. Connections to this water main will consist of individual domestic and fire services for each building.

Sewer service will be provided via an existing 6" pvc pressurized sewer main within Meadow Lake Blvd. Therefore, no extension of sewer mains should be required. Each building will be served by pressurized sewer services that will connect to the existing main.

Stormwater will be addressed for volume and flow control as well as water quality treatment. Stormwater facilities within the development are anticipated to include catch basins and associated piping to collect and convey flows to a central stormwater management facility to provide storage and treatment of runoff. Controlled flows will be discharged from the site into an existing drainage ditch adjacent to Meadow Lake Boulevard, in the same manner that flows have historically discharged from the undeveloped property.

Screening and buffering.

The buildings and parking will be located towards the center of the site and the site is heavily wooded. This will allow for the setbacks with the existing trees to be used as a buffer. The buildings are also set back by about 10' to 15' from the setbacks, this area will be cleared during construction for access to the buildings but will also be landscaped to provide a buffer between the surrounding properties and the buildings. No fencing is being planned at this time other than around the garbage enclosure.

Signs, yards and other open spaces

There will not be any signs other than building mounted signs with the buildings name and numbers. This will adhere to all sign regulations. Yard will be located around the buildings and between the buildings and the parking areas. This will be used as common yard areas and as a buffer between the parking and the buildings. Each unit either has a private deck or patio area that extends into the yard area. The yard areas will transition to the natural landscape in the setbacks where the natural vegetation can be saved. The buildings are orientated so they and the parking can best work with the grade of the site but much of the center of the site will be cleared and graded to allow for the everything to work.

Height, bulk and location of structures.

Each building consists of (2) studio units, (2) 1 bedroom units, (8) 2 bedroom units and (6) 3 bedroom units totaling 18 units. The square footage totals 8,589 sf plus decks and patio spaces. The buildings are broken up into several different masses and shapes with changes in rooflines, materials and accent pieces such as decks and patios. The buildings have (3) separate entrances separating the units into various access groups. The buildings are (2) stories in height with a maximum building height of 26'-0".

Location of proposed open space uses.

The buildings have internal views and orientations in all directions and as such located as much to the center of the lot to provide a buffer with the setbacks from the neighboring properties and central parking. The open spaces/yards located in those areas are common spaces to be used for the residents. Each unit has a private patio/deck area that will flow into the common yard spaces that transition into the more natural areas in the setbacks. Since the buildings are orientated in all directions, the exterior spaces other than the decks and patios will feel common in nature.

Hours and manner of operation.

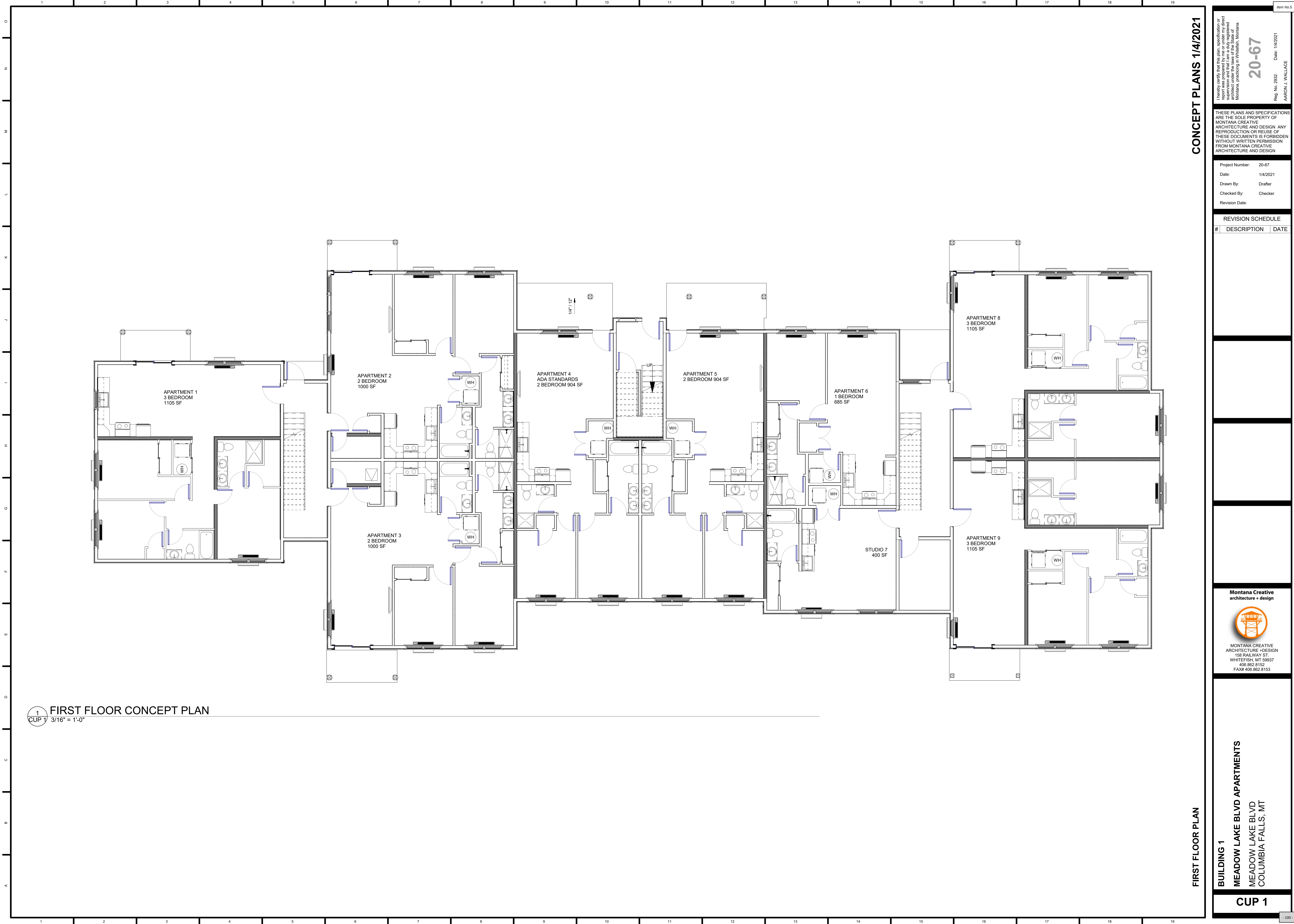
These are residential units and will be accessed at all times per typical residential uses.

Noise, light, dust, odors, fumes and vibration.

It is anticipated there would be typical residential Noises from the site but there are not anticipated to be any adverse Noise issues.

There will be parking lot Lighting on the site between the buildings and also individual lights off each of the units for the patio spaces as well as lighting into the common entrances off the buildings. All the lighting will be night sky compliant fixtures and meet the Cities lighting standards.

No odors, fumes or vibrations are anticipated on the site other than typical residential uses.



1
CUP 1
FIRST FLOOR CONCEPT PLAN
3/16" = 1'-0"

CONCEPT PLANS 1/4/2021

FIRST FLOOR PLAN

BUILDING 1
MEADOW LAKE BLVD APARTMENTS
MEADOW LAKE BLVD
COLUMBIA FALLS, MT

CUP 1

Montana Creative
architecture + design



MONTANA CREATIVE
ARCHITECTURE + DESIGN
158 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

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Project Number: 20-67
Date: 1/4/2021
Drawn By: Drafter
Checked By: Checker
Revision Date:

REVISION SCHEDULE		
#	DESCRIPTION	DATE

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

20-67

Reg. No. 2932 Date: 1/4/2021
AARON J. WALLACE



CONCEPT PLANS 1/4/2021

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

20-67

Reg. No. 2932 Aaron L. Wallace Date: 1/4/2021

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Project Number:	20-67
Date:	1/4/2021
Drawn By:	Author
Checked By:	Checker
Revision Date:	12/30/20

REVISION SCHEDULE		
#	DESCRIPTION	DATE

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WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

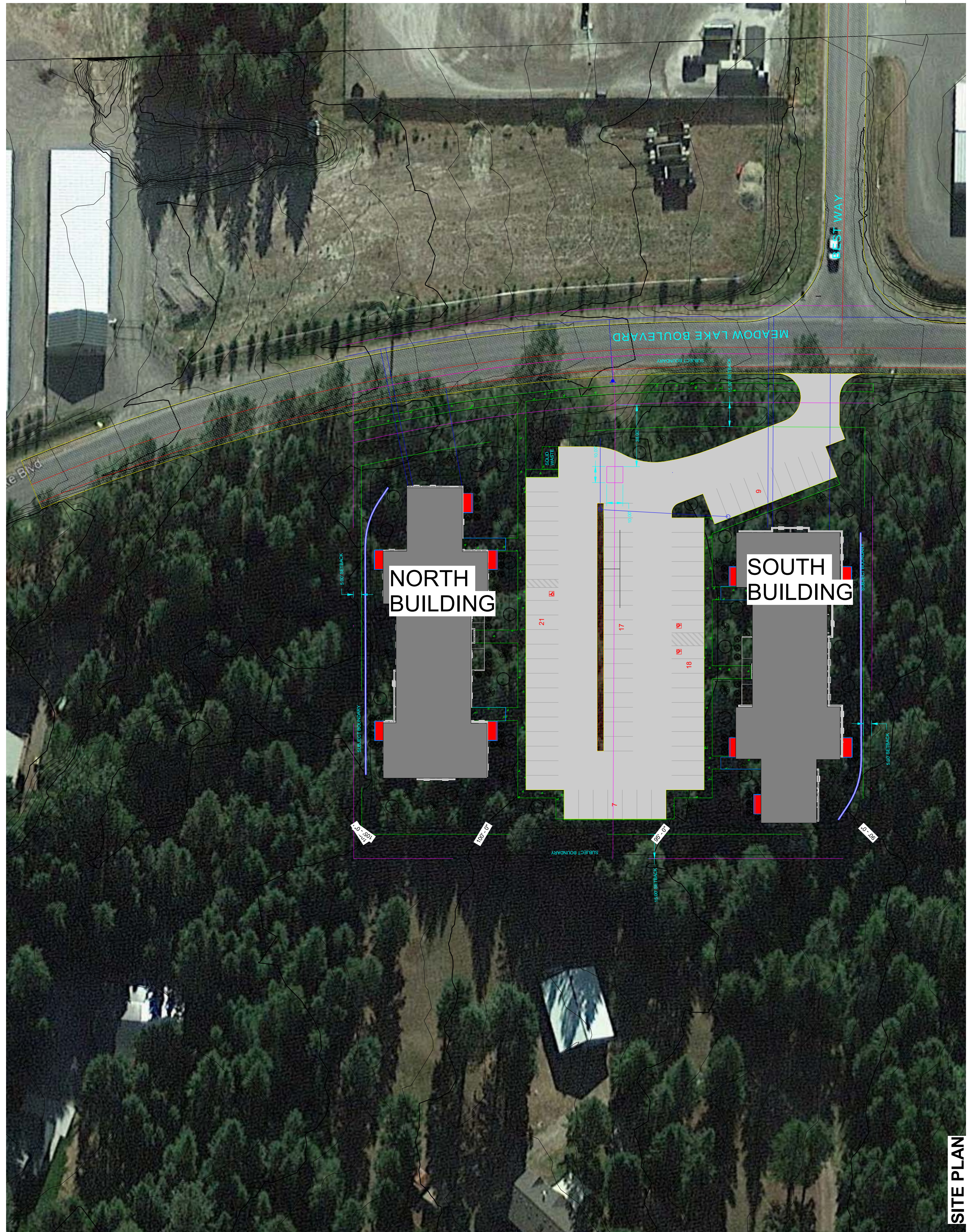
BUILDING 1
MEADOW LAKE BLVD APARTMENTS
MEADOW LAKE BLVD
COLUMBIA FALLS, MT

CUP 3

ELEVATIONS



1
CUP 4
ARCHITECTURAL SITE PLAN
1/16" = 1'-0"



2
CUP 4
SITE IMAGE
1" = 40'-0"

CONCEPT PLANS 1/4/2021

I hereby certify that this plan, specification or other document is the work of the architect or engineer named herein and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

20-67

Reg. No. 2932 Date: 1/4/2021
AARON L. WALLACE

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Project Number: 20-67
Date: 1/4/2021
Drawn By: AJW/INM
Checked By: AJW
Revision Date:

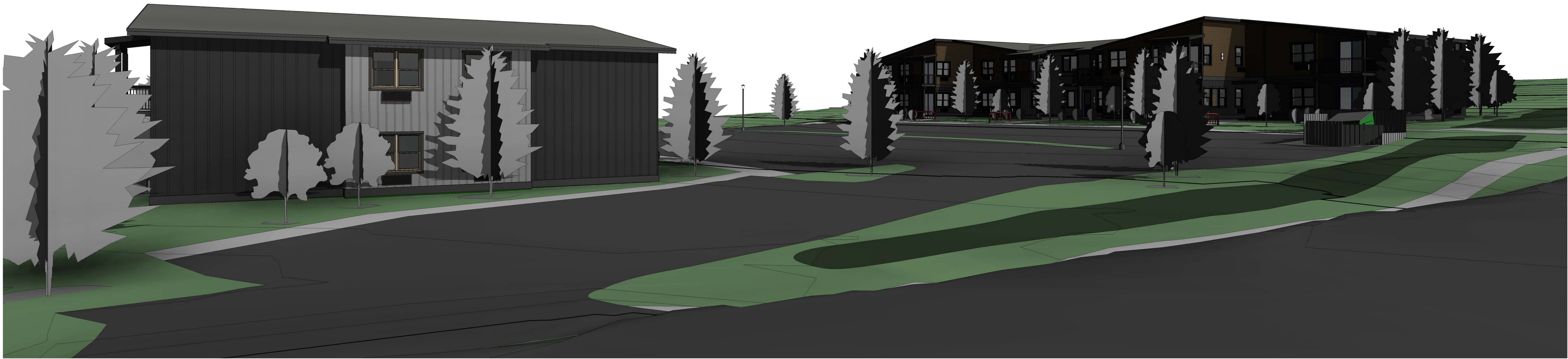
REVISION SCHEDULE		
#	DESCRIPTION	DATE
1	Revision 1	Date 1

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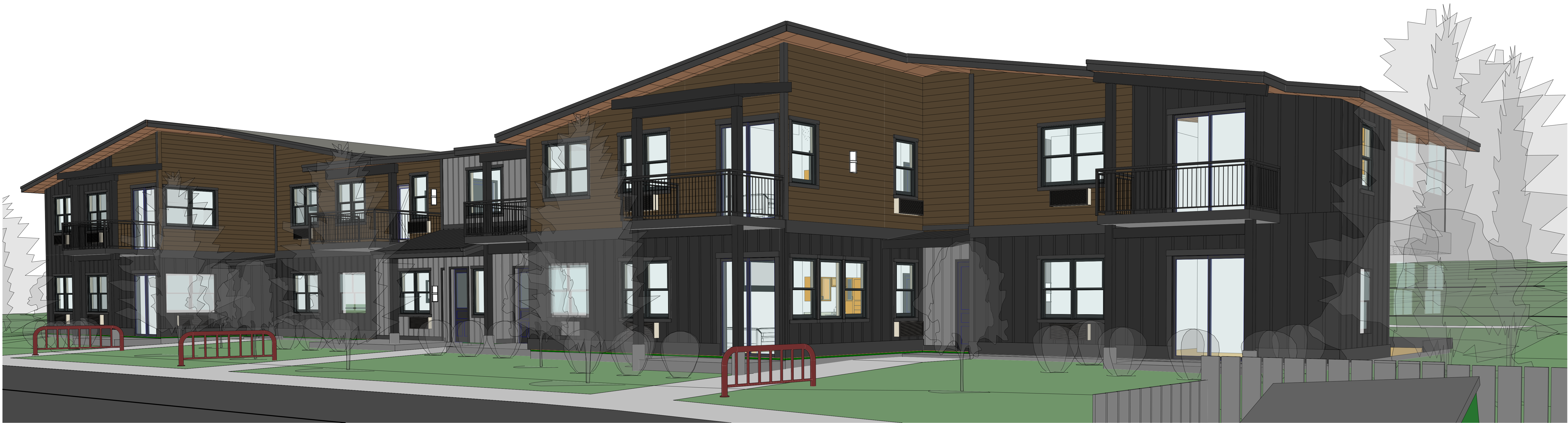
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156 RAILWAY ST.
WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

SITE PLANS
MEADOW LAKE BLVD APARTMENTS
MEADOW LAKE BLVD
COLUMBIA FALLS, MT

CUP 4



1 FROM MEADOW LAKE BLVD



2 NORTH BUILDING

CONCEPT PLANS 1/4/2021

PERSPECTIVES

Item No. 5

I hereby certify that this plan, specification or other document was prepared by me or under my direct supervision and that I am a duly registered architect under the laws of the State of Montana, practicing in Whitefish, Montana.

20-67

Reg. No. 2932 Date: 1/4/2021
AARON J. WALLACE

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Project Number: 20-67
Date: 1/4/2021
Drawn By: AJW/INM/LGK
Checked By: AJW
Revision Date:

REVISION SCHEDULE

#	DESCRIPTION	DATE
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WHITEFISH, MT 59937
406.862.8152
FAX# 406.862.8153

SITE PLANS

MEADOW LAKE BLVD APARTMENTS
MEADOW LAKE BLVD
COLUMBIA FALLS, MT

CUP 6

- 105 -



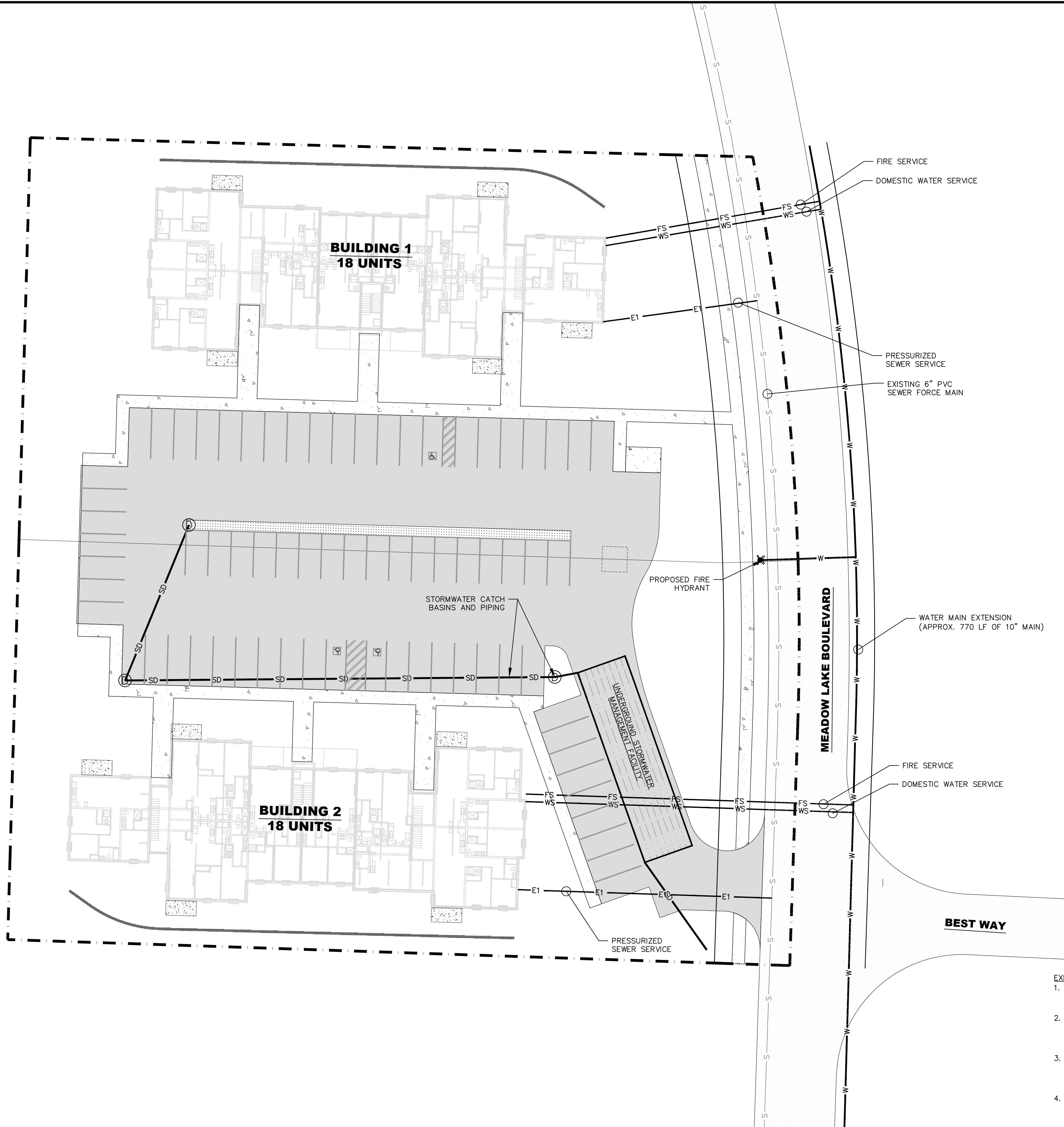
PRELIMINARY
NOT FOR
CONSTRUCTION
SEAL

UTILITY LAYOUT
MEADOW LAKE BOULEVARD APARTMENTS
COLUMBIA FALLS, MONTANA

NO.	REV.	DATE

PROJECT NO.:	192.01
DESIGNED BY:	B.FOLEY
DRAWN BY:	B.SANDRY
CHECKED BY:	B.FOLEY

DECEMBER 29, 2020
SHEET
2 of 2



- EXISTING UTILITIES AND SITE CONDITION NOTES
1. ALL EXISTING UTILITY LOCATIONS SHOWN ARE FROM THE BEST INFORMATION AVAILABLE AT THE TIME OF DESIGN AND ARE APPROXIMATE.
 2. ACCURACY OF UTILITY INFORMATION IS NOT GUARANTEED AND CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD LOCATING AND VERIFYING THE EXISTENCE, LOCATIONS, AND DEPTHS OF ALL UTILITIES THAT MAY BE PRESENT ON AND ADJACENT TO THE SITE.
 3. UTILITIES MAY NOT BE BURIED AT CONSISTENT DEPTHS OR AS SHOWN WITHIN THE PLANS. CONTRACTOR SHALL NOTIFY EACH UTILITY COMPANY PRIOR TO PERFORMING ANY EXCAVATION OR EARTH DISTURBING ACTIVITIES.
 4. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY UTILITIES DAMAGED BY THEIR ACTIVITIES.



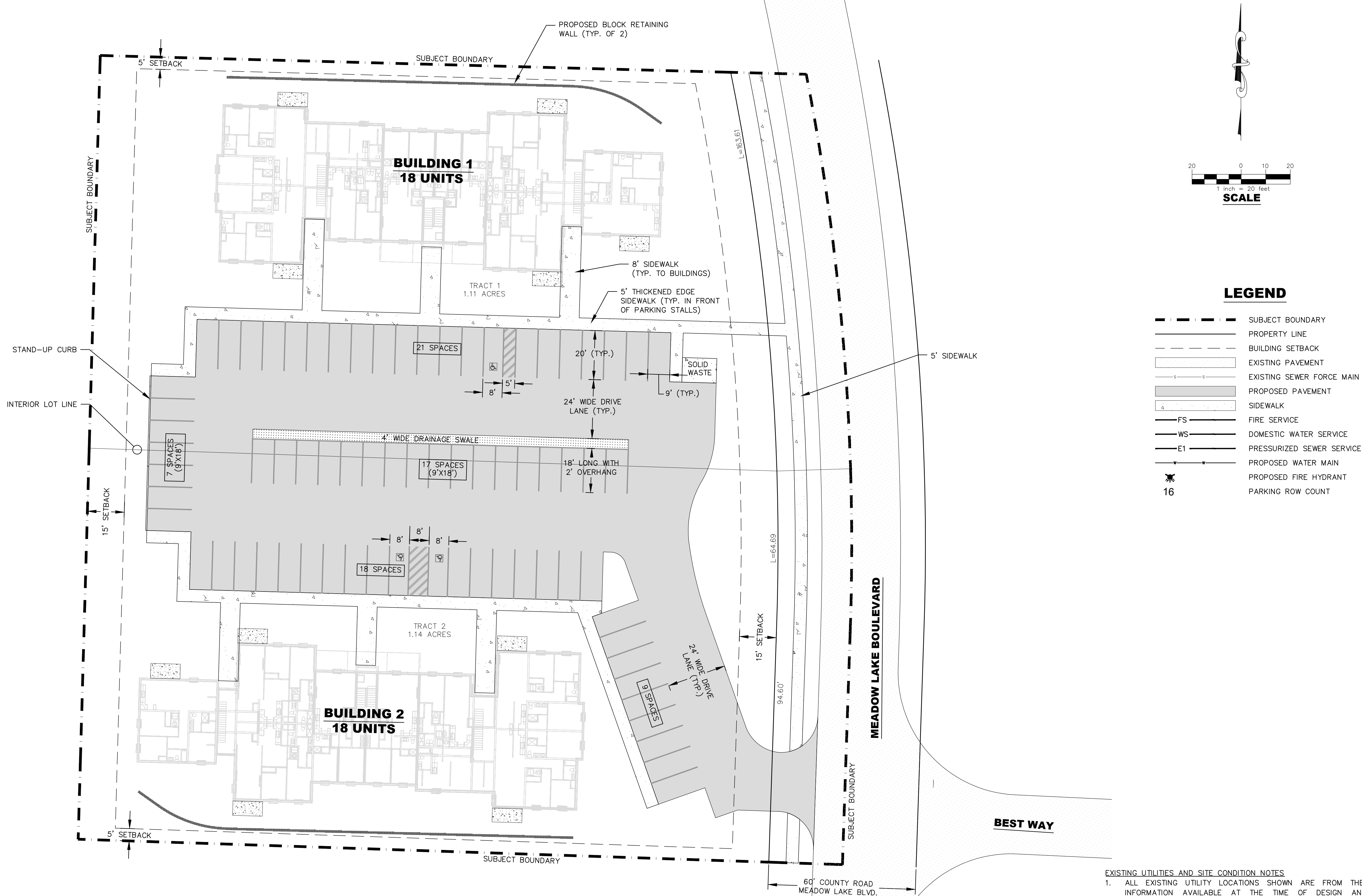
PRELIMINARY
NOT FOR
CONSTRUCTION
SEAL

SITE LAYOUT
MEADOW LKAE BOULEVARD APARTMENTS
COLUMBIA FALLS, MONTANA

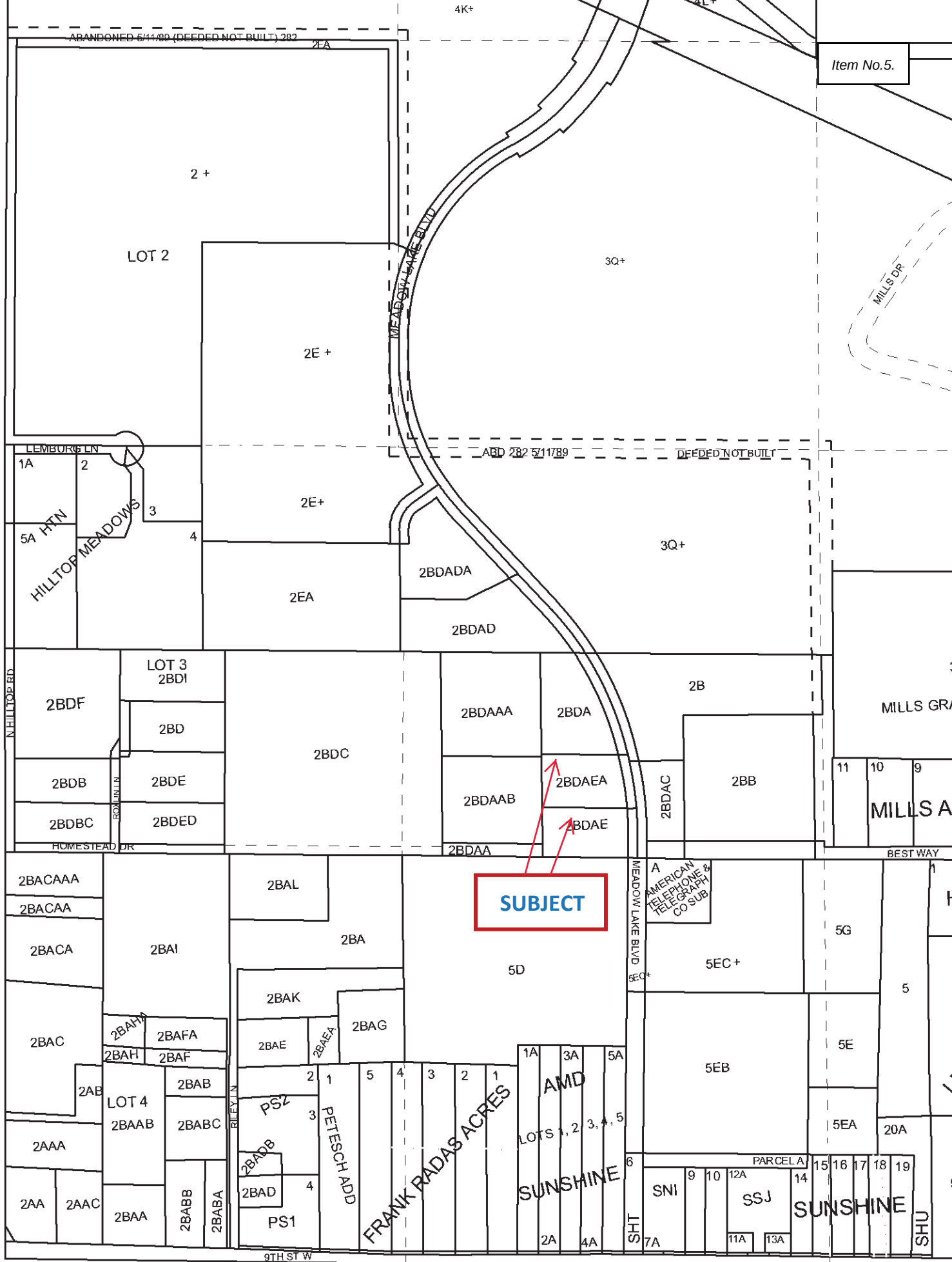
NO.	REV.	DATE

PROJECT NO.:	192.01
DESIGNED BY:	B.FOLEY
DRAWN BY:	B.SANDRY
CHECKED BY:	B.FOLEY

DECEMBER 29, 2020
SHEET



- EXISTING UTILITIES AND SITE CONDITION NOTES
- ALL EXISTING UTILITY LOCATIONS SHOWN ARE FROM THE BEST INFORMATION AVAILABLE AT THE TIME OF DESIGN AND ARE APPROXIMATE.
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 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY UTILITIES DAMAGED BY THEIR ACTIVITIES.



The map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



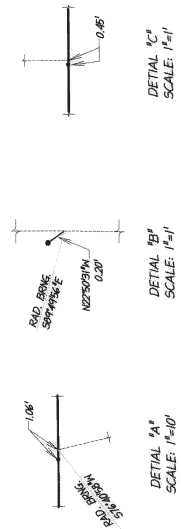
CERTIFICATE OF SURVEY

LOCATED IN THE N.E. 1/4 OF THE S.W. 1/4 OF SECTION 7, T30N, R20W, P11, M1,
FLATHEAD COUNTY, MONTANA

BASIS OF BEARING
NPT38°54'E



SUBJECT



DETAIL "A"
SCALE: 1"=10'

DETAIL "B"
SCALE: 1"=1'

DETAIL "C"
SCALE: 1"=1'



The map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

DESCRIPTION - TRACT 1

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, PRINCIPAL MERIDIAN, MONTANA, FLATHEAD COUNTY, MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF PARCEL B OF CERTIFICATE OF SURVEY NUMBER 12563, RECORDS OF FLATHEAD COUNTY AND WHICH POINT IS THE TRUE POINT OF BEGINNING;

THENCE NPT38°54'E, ON AND ALONG THE NORTH BOUNDARY OF SAID PARCEL B, A DISTANCE OF 287.41 FEET TO A POINT AND WHICH POINT LIES ON THE NORTHEAST CORNER OF SAID PARCEL B AND WHICH POINT LIES ON THE CENTERLINE OF A 60-FOOT COUNTY ROAD KNOWN AS MEADON LAKE BOULEVARD AND WHICH POINT IS IN THE MIST OF A CURVE;

THENCE SPT58°24'E, ON AND ALONG SAID CENTERLINE, ON A CURVE TO THE RIGHT (DELTA = 91°16'09", RADIUS = 1000.00 FEET AND RADIAL BEARING = 577°04'42"W), AN ARC LENGTH OF 161.77 FEET TO A POINT;

THENCE SPT58°24'E, ON AND ALONG SAID CENTERLINE, A DISTANCE OF 30.00 FEET TO A SET 5/8" RE-BAR AND WHICH POINT LIES ON THE WEST RIGHT-OF-WAY BOUNDARY OF SAID 60-FOOT COUNTY ROAD;

THENCE NPT58°24'E, ON AND ALONG SAID WEST BOUNDARY OF PARCEL B, A DISTANCE OF 154.95 FEET TO THE TRUE POINT OF BEGINNING.

THIS TRACT CONTAINS 112 ACRES AND SUBJECT TO AND TOGETHER WITH THOSE EASEMENTS AS SHOWN HEREON AND SUBJECT TO AND TOGETHER WITH ALL APPURTENANT EASEMENTS OF RECORD.

DESCRIPTION - TRACT 2

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, PRINCIPAL MERIDIAN, MONTANA, FLATHEAD COUNTY, MONTANA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF PARCEL B OF CERTIFICATE OF SURVEY NUMBER 12563, RECORDS OF FLATHEAD COUNTY AND WHICH POINT IS THE TRUE POINT OF BEGINNING;

THENCE NPT58°24'E, ON AND ALONG THE WEST BOUNDARY OF SAID PARCEL B, A DISTANCE OF 154.25 FEET TO A SET 5/8" RE-BAR;

THENCE SPT58°24'E, ON AND ALONG SAID WEST BOUNDARY, A DISTANCE OF 280.10 FEET TO A SET 5/8" RE-BAR AND WHICH POINT LIES ON THE WEST RIGHT-OF-WAY BOUNDARY OF A 60-FOOT COUNTY ROAD KNOWN AS MEADON LAKE BOULEVARD;

THENCE NPT58°24'E, ON AND ALONG SAID WEST RIGHT-OF-WAY, A DISTANCE OF 30.00 FEET TO A POINT AND WHICH POINT LIES ON THE CENTERLINE OF SAID 60-FOOT COUNTY ROAD AND WHICH POINT IS IN THE MIST OF A CURVE;

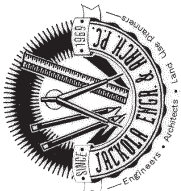
THENCE SPT58°24'E, ON AND ALONG SAID CENTERLINE, ON A CURVE TO THE RIGHT (DELTA = 91°16'09", RADIUS = 1000.00 FEET AND RADIAL BEARING = 586°20'44"W), AN ARC LENGTH OF 66.61 FEET TO NON-TANGENCY;

THENCE SPT58°24'E, ON AND ALONG SAID CENTERLINE, A DISTANCE OF 94.53 FEET TO A POINT AND WHICH POINT IS THE SOUTHEAST CORNER OF SAID PARCEL B;

THENCE NPT58°24'E, ON AND ALONG THE SOUTH BOUNDARY OF SAID PARCEL B, A DISTANCE OF 31.28 FEET TO THE TRUE POINT OF BEGINNING.

THIS TRACT CONTAINS 139 ACRES AND SUBJECT TO AND TOGETHER WITH THOSE EASEMENTS AS SHOWN HEREON AND SUBJECT TO AND TOGETHER WITH ALL APPURTENANT EASEMENTS OF RECORD.

PREPARED BY:
JACKOLA ENGINEERING & ARCHITECTURE, P.C.
100 WEST MAIN AVE.
3RD FLOOR, SOUTHWEST TOWER
P.O. BOX 194
KALISPELL, MT 59501
406-755-3305
PREPARED FOR:
SHARON CURTISS-RIVERA
SEPTEMBER 1999
PURPOSE OF SURVEY:
IMMEDIATE FAMILY TRANSFER



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- ROUND 5/8" RE-BAR WITH PLASTIC SURV-CAP AS PER C.O.S. 12563
- SET 5/8" X 24" RE-BAR WITH PLASTIC SURV-CAP MARKED "BURTON 54885"

OK, COM by ky
6/11/04

TR 2BDAE-0983067



JAMES H. BURTON
REGISTERED LAND SURVEYOR
REGISTRATION NUMBER 94218

CERTIFICATE OF OWNERS: I HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO TRANSFER TRACT 1, TO TESSU RIVERA, MY HUSBAND; THAT THIS IS THE FIRST GIFT OR SALE TO HIM; I CERTIFY THAT I AM IN COMPLIANCE WITH ALL THE CONDITIONS IMPOSED ON THE USE OF THIS EXEMPTION; THEREFORE, THIS DIVISION IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION 76-3-207(1)(a), M.C.A.

SHARON CURTISS-RIVERA

COUNTY OF FLATHEAD) SS

STATE OF MONTANA)

ON THIS 14th DAY OF May, 2004, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED SHARON CURTISS-RIVERA AND KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA
RESIDING AT KALISPELL, MONTANA
MY COMMISSION EXPIRES 6/30/2007

COUNTY CLERK AND RECORDER

BY: *Sharon Rivera*
DEPUTY

STATE OF MONTANA) SS
COUNTY OF FLATHEAD)

FILED ON THE 14th DAY OF May
2004, AT 2:30 O'CLOCK P.M.

CERTIFICATE OF SURVEY NO. 16143

Item No.5.

ALTA COMMITMENT FOR TITLE INSURANCE

Issued By:


Fidelity National Title*
Insurance Company

Commitment Number:

FT1585-204649**NOTICE**

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

President

Countersigned By:

Authorized Officer or Agent

Attest:

Secretary

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FIDELITY NATIONAL TITLE INSURANCE COMPANY**COMMITMENT NO. FT1585-204649****Transaction Identification Data for reference only:**

ISSUING OFFICE:	FOR SETTLEMENT INQUIRIES, CONTACT:
Title Officer: Karla Kemm (LC) Fidelity National Title Company of Flathead Valley, LLC 150 1st Avenue WN, Suite B Kalispell, MT 59901 Main Phone: (406)755-7004 Email: Karla.Kemm@fnf.com	Escrow Officer: Tracy Dugan Fidelity National Title Company of Flathead Valley, LLC 284 Flathead Avenue Ste 101 Whitefish, MT 59937 Phone: 406-862-7914 Fax: 866-269-7802 Main Phone: (406)862-7914 Email: Tracy.Dugan@fnf.com

Order Number: FT1585-204649**SCHEDULE A**

1. Commitment Date: December 4, 2020 at 08:00 AM

2. Policy to be issued:

(a) ALTA Owner's Policy 2006 (Standard)

Proposed Insured: Toby Gilchrist

Proposed Policy Amount: \$138,000.00

Premium:

\$ 687.00

Total:

\$ 687.00

3. The estate or interest in the Land described or referred to in this Commitment is:

Fee Simple

4. The Title is, at the Commitment Date, vested in:

Hyon Su Thomas

5. The Land is described as follows:

Tracts 1 and 2 of Certificate of Survey No. 16142, tracts of land located in the Northeast Quarter of the Southwest Quarter of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Mntana.

END OF SCHEDULE A

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SCHEDULE B, PART I REQUIREMENTS

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. If a power of attorney is to be used in this transaction, furnish a true and correct copy in recordable form, for review and approval prior to executing any documents.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation. The Company may require that the attorney-in-fact named in the power of attorney execute an affidavit stating that the power of attorney has not been revoked and that he/she has no knowledge or information regarding the death or incapacity of the principal therein.

6. If this transaction is to be involved in a 1031 or similar exchange, the closing officer must be notified well in advance of closing.
7. In the event matters are discovered during the closing process which would otherwise be insured by the Covered Risks included in the policy, the Company may limit or delete insurance provided by the affected Covered Risk. In such event, a supplemental will be issued prior to closing.
8. The Company requires a satisfactory statement from the Association or its agent stating the amount, if any, of unpaid common or maintenance charges against the property, to the date of closing. At that time, the Company may make additional requirements or exceptions.
9. If Fidelity Title is to be named a Trustee, reference it as follows:

Fidelity Title of Flathead Valley, LLC
10. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.
11. Additional requirements and/or exceptions may be added as details of the transaction are disclosed to, or become known by the Company.

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**SCHEDULE B, PART I
REQUIREMENTS**
(continued)

END OF SCHEDULE B, PART I

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SCHEDULE B, PART II EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.
 - a. Rights or claims of parties in possession not shown by the Public Records.
 - b. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the Land including, but not limited to, insufficient or impaired access and matters contradictory to any survey plat shown by the Public Records.
 - c. Easements, or claims of easements, not shown by the Public Records.
 - d. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
 - e. (a) unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters accepted under (a), (b), (c) are shown by the Public Records.
 - f. Taxes to special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
 - g. County road rights-of-way, not recorded and indexed as a conveyance of record in the office of the Clerk and Recorder pursuant to Title 70, Chapter 21 MCA, including, but not limited to any right of the public to use and occupy those certain roads and trails.
 - h. Mineral rights, claims or title to minerals in or under said land, including but not limited to metals, oil, gas, coal, or other hydrocarbons, sand, gravel, or stone, and geothermal energy rights, and easement or other rights or matters relating thereto, whether express or implied, recorded, or unrecorded.

Paragraphs 1, a, b, c, d, and f will not appear as printed exceptions on extended coverage policies, except as to such parts thereof which may be typed as a Special Exception as shown below.

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

SPECIAL EXCEPTIONS:

2. General Taxes for the year 2020

1st Half: \$495.66, DELINQUENT, plus penalties and interest
2nd Half: \$495.64, DUE and will become delinquent after May 31, 2021
Tax ID No.: 76-0008732
Affects: Tract 1

3. General Taxes for the year 2020

1st Half: \$496.70, DELINQUENT, plus penalties and interest
2nd Half: \$496.67, DUE and will become delinquent after May 31, 2021
Tax ID No.: 76-0982067
Affects: Tract 2

4. Any possible additional tax assessments because of construction and/or improvements to the property.

5. Delinquent water and service charges of the City of Columbia Falls, if any, for which no investigation has been made.

6. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 1587. Reference is hereby made to the survey for more particulars.

7. Easement(s) and rights incidental thereto as reserved in a document:

Reserved by: Northland Development Corporation
Recording Date: June 28, 1974
Recording No.: Book 568, page 891

And
Recording Date: September 18, 1985
Recording No.: 85-261-16550

8. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 8299. Reference is hereby made to the survey for more particulars.

Recording No.: 85-343-13450

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

9. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 9058. Reference is hereby made to the survey for more particulars.
- Recording No.: 87-306-08250
10. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 9060. Reference is hereby made to the survey for more particulars.
- Recording No.: 87-306-08270
11. State of Montana Department of Environmental Quality Certificate of Subdivision Approval
- Recording Date: November 2, 1987
Recording No.: 87-306-08270
12. Matters contained in that certain Easement Agreement
- Recording Date: November 2, 1987
Recording No: 87-306-08320
- Reference is hereby made to said document for full particulars.
13. Matters contained in that certain Easement Agreement
- Recording Date: November 17, 1987
Recording No: 87-321-14210
- Reference is hereby made to said document for full particulars.
14. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 9088. Reference is hereby made to the survey for more particulars.
- Recording No.: 87-331-10150
15. State of Montana Department of Environmental Quality Certificate of Subdivision Approval
- Recording Date: November 27, 1987
Recording No.: 87-331-10150

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**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

16. Matters contained in that certain Easement Agreement

Recording Date: November 27, 1987
Recording No: 87-331-10200

Reference is hereby made to said document for full particulars.

17. Matters contained in that certain Easement Agreement

Recording Date: November 27, 1987
Recording No: 87-331-10210

Reference is hereby made to said document for full particulars.

18. Easement(s) and rights incidental thereto as set forth in a document:

Recording Date: November 27, 1987
Recording No.: 87-331-10240

19. Easement(s) and rights incidental thereto as set forth in a document:

In favor of: Flathead County
Recording Date: June 9, 1989
Recording No.: 89-160-08150

20. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 10977. Reference is hereby made to the survey for more particulars.

Recording No.: 93-035-14260

21. State of Montana Department of Environmental Quality Certificate of Subdivision Approval

Recording Date: February 4, 1993
Recording No.: 93-035-14260

22. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 12563. Reference is hereby made to the survey for more particulars.

Recording No.: 96-067-14560

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

23. State of Montana Department of Environmental Quality Certificate of Subdivision Approval
- Recording Date: March 7, 1996
Recording No.: 96-067-14560
24. This property lies within the boundaries of Resolution No. 1332 for annexation, recorded March 15, 2004 at 2004-075-08270 and will be subject to any levies and assessments thereof.
25. Recitals, notes, sanitary restrictions, ordinances, resolutions, easements, dedications and covenants as contained or referred to on Certificate of Survey No. 16142. Reference is hereby made to the survey for more particulars.
26. State of Montana Department of Environmental Quality Certificate of Subdivision Approval
- Recording Date: June 11, 2004
Recording No.: 2004-163-08320
27. This property lies within the boundaries of Resolution No. 1407 for Street Maintenance District, recorded September 26, 2005 at 2005-269-09350 and will be subject to any levies and assessments thereof.
28. A deed of trust to secure an indebtedness in the amount shown below,
- Amount: \$136,000.00
Dated: March 30, 2007
Trustor/Grantor: Hyon Su Thomas
Trustee: Sterling Title Services
Beneficiary: First Interstate Bank
Recording Date: March 30, 2007
Recording No.: 2007-089-11040

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Cap, LLC
Recording Date: March 18, 2008
Recording No: 200800007289

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SCHEDULE B, PART II
EXCEPTIONS
(continued)

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Cap LLC
Recording Date: December 22, 2009
Recording No: 200900035033

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Hyon Su Thomas
Recording Date: June 10, 2011
Recording No: 201100011975

An agreement to modify the terms and provisions of said deed of trust as therein provided

Executed by: Hyon Su Thomas
Recording Date: July 5, 2018
Recording No: 201800013767

29. Title is to vest in Toby Gilchrist and when so vested, will be subject to the following matters:

A judgment for installment payments of spousal and/or child support, to be made by:

Debtor: Toby Gilchrist
Creditor: Jessica Gilchrist
Date entered: September 2, 2014
Court: District Court of Flathead County
Case No.: DR-14-157A

30. In order to expedite this report to you, no physical inspection of the Land has been made. If a physical inspection is made, any matters found by our inspection requiring disclosure to you will be shown in a Supplement Report.
31. The land described in the commitment/policy shall not be deemed to include any home trailer or mobile home located on the property.
32. Exceptions and reservations contained in Patents of record.

Common address: 302 Meadow Lake Boulevard, Columbia Falls, MT 59912

END OF SCHEDULE B, PART II

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COMMITMENT CONDITIONS**1. DEFINITIONS**

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I-Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I-Requirements;
- (f) Schedule B, Part II-Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I-Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II-Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I-Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.

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(continued)

- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II-Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

END OF CONDITIONS

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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Paula Robinson, Flathead County MT by DD

201100011103

Page: 1 of 3

Fees: \$21.00

5/31/2011 12:00 PM

Return to: Stephanie L. Walls, PC
PO Box 1943
Whitefish, Mt 59937

QUITCLAIM DEED

For Value Received:

Cap, LLC, a Montana limited liability company,

The Grantor does hereby grant, bargain, sell and convey unto:

Hyon Su Thomas, an individual

The Grantee, his heirs and assigns forever, the following described premises in **FLATHEAD COUNTY, MONTANA**, to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

Also known by the street addresses:

298 and 302 Meadow Lake Boulevard, Columbia Falls, MT 59912

TOGETHER WITH: All rights, rights of way, easements and appurtenances thereto established or of record.

Cap, LLC

By:

(Printed Name)

Its:

Member

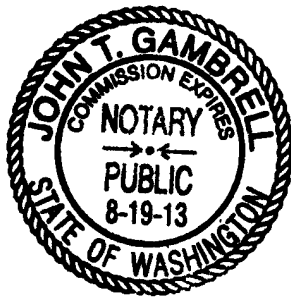


201100011103
Page: 2 of 3
Fees: \$21.00
5/31/2011 12:00 PM

STATE OF WASHINGTON)
)
COUNTY OF SAN JUAN)
)

On this 23rd day of May, 2011, before me, a Notary Public in and for the State of Washington, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

(SEAL)



John T. Gambrell
Notary Public for the State of Washington
Printed Name: John T. Gambrell
Residing at: Friday Harbor
My Commission expires: 8-19-13



201100011103
Page: 3 of 3
Fees: \$21.00
5/31/2011 12:00 PM

Exhibit 'A'

TRACT 1:

A tract of land, situated, lying, and being in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7, Township 30 North, Range 20 West, P.M., Flathead County, Montana, and more particularly described as follows:

Commencing at the NW corner of Parcel B of Certificate of Survey No. 12563, records of Flathead County and which point is the True Point of Beginning; thence North 89°38'56" East, on and along the North boundary of said Parcel B, a distance of 267.49 feet to a point and which point is the NE corner of said Parcel B and which point lies on the centerline of a 60 foot county road known as Meadow Lake Boulevard and which point is in the midst of a curve; thence Southerly, on and along said centerline, on a curve to the right (Delta = 09°16'08", radius = 1000.00 feet and radial bearing = South 77°04'42" West), an arc length of 161.77 feet to a point; thence South 86°20'49" West, and leaving said centerline, a distance of 30.00 feet to a point on which point lies on the West right-of-way boundary of said 60 foot county road; thence North 89°58'24" West, and leaving said West right-of-way boundary, a distance of 280.10 feet to a point and which point lies on the West boundary of said Parcel B; thence North 00°15'57" West, on and along said West boundary of Parcel B, a distance of 159.93 feet to the True Point of Beginning.

Shown as Tract 1 of Certificate of Survey No. 16142.

TRACT 2:

A tract of land, situated, lying, and being in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 7, Township 30 North, Range 20 West, P.M., Flathead County, Montana, and more particularly described as follows:

Commencing at the SW corner of Parcel B of Certificate of Survey No. 12563, records of Flathead County and which point is the True Point of Beginning; thence North 00°15'57" West, on and along the West boundary of said Parcel B, a distance of 159.25 feet to a point; thence South 89°58'24" East, and leaving said West boundary, a distance of 280.10 feet to a point and which point lies on the West right-of-way boundary of a 60 foot county road known as Meadow Lake Boulevard; thence North 86°20'49" East, and leaving said West right-of-way, a distance of 30.00 feet to a point and which point lies on the centerline of said 60 foot county road and which point is in the midst of a curve; thence Southerly, on and along said centerline, on a curve to the right (Delta = 03°49'15", radius = 1000.00 feet and radial bearing = South 86°20'49" West), an arc length of 66.69 feet to a point of non-tangency; thence South 00°01'34" West, on and along said centerline, a distance of 94.53 feet to a point and which point is the SE corner of said Parcel B; thence North 89°58'24" West, on and along the South boundary of said Parcel B, a distance of 311.28 feet to the True Point of Beginning.

Shown as Tract 2 of Certificate of Survey No. 16142.



FLATHEAD COUNTY 2020 REAL ESTATE TAX BILL

Adele Krantz, Treasurer
935 1st Ave W Ste T Kalispell MT 59901
(406) 758-5680
http://flathead.mt.gov/property_tax



Item No.5.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

ASSESSOR NUMBER: 0008732
TAX BILL NUMBER: 202057334
SCHOOL DISTRICT: 76
GEO CODE: 07418607307140000

Property Location:

Parties with ownership interest as of January 1, 2020
Owner of Record.....THOMAS, HYON SU

Property Description
07 30 20 TR 2BDAEA IN NE4SW4

Type of Property	Market Value	Taxable Value
Real Estate	61,855	835.00
No Buildings Assessed	0	0
Totals	61,855	835.00

Description	Percentage	Amount
County Functions	11.54%	114.48
Education	38.58%	382.51
City Functions	47.23%	468.21
Other	2.63%	26.10

SUMMARY OF TAXES, LEVIES & FEES

COUNTY	.068630	57.31	COUNTY LIBRARY	.006260	5.23
SHERIFF	.038700	32.31	CO PERM MED LEVY	.012760	10.65
NOXIOUS WEEDS	.001280	1.07	COUNTYWIDE MOSQUITO	.000910	0.76
911 GENER OBLIG BOND	.001880	1.57	PERM SRS LEVY	.000700	0.58
BOARD OF HEALTH	.005990	5.00			
SUBTOTAL - TAXES FOR COUNTY FUNCTIONS...		.137110			114.48
STATE - UNIVERSITY	.006000	5.01	GENERAL SCHOOLS	.104120	86.94
STATE - SCHOOL AID	.040000	33.40	FLAT VAL COM COLLEGE	.014490	12.10
COLUMBIA FALLS H.S.	.061960	51.74	COL FLS CITY ELEM 76	.225490	188.28
FVCC PERMIS MED LEVY	.006040	5.04			
SUBTOTAL - TAXES FOR EDUCATION.....		.458100			382.51
COLUMBIA FALLS CITY	.192584	160.81	CF PERM MED LEVY	.029592	24.71
COL FLS STREET MAINT		282.69			
SUBTOTAL - TAXES FOR CITY FUNCTIONS.....		.222176			468.21
COL FALLS CEMETERY	.002570	2.15	SOIL & WATER CONSERV	.001680	1.40
STATE FORESTER		22.55			
SUBTOTAL - OTHER TAXES AND FEES.....		.004250			26.10
Total Mills Levied	0.821636				

Total Taxes and Fees . . . 991.30

46989 **1st Installment due 11/30/2020 = 495.66**
2nd Installment due 05/31/2021 = 495.64

Tax paid receipts will be mailed only if a self-addressed stamped envelope is enclosed.
To pay or view taxes online, go to http://flathead.mt.gov/property_tax.
A 3% fee will be charged on all credit/debit card payments. There is no fee to pay by e-check.
Payments made after 5:00 pm or postmarked after the due date must include 2% penalty & monthly interest of 5/6 of 1% (0.008333).
Flathead County no longer accepts checks drawn on Canadian Banks

DELINQUENT TAXES ARE DUE FOR THE FOLLOWING YEARS: 2019

Contact the Treasurer's office at (406) 758-5680 for the amount due.

Keep upper portion for your records.

Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on:

MAY 31, 2021

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

ASSESSOR NUMBER: 0008732
TAX BILL NUMBER: 202057334
SCHOOL DISTRICT: 76

No additional notice will be sent for this installment.

Tax Amount Due: 495.64

2ND 2020 REAL ESTATE



Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on:

NOVEMBER 30, 2020

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

Tax Amount Due: 495.66

991.30

1ST 2020 REAL ESTATE





FLATHEAD COUNTY 2020 REAL ESTATE TAX BILL

Adele Krantz, Treasurer
935 1st Ave W Ste T Kalispell MT 59901
(406) 758-5680
http://flathead.mt.gov/property_tax



Item No.5.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

ASSESSOR NUMBER: 0982067
TAX BILL NUMBER: 202059308
SCHOOL DISTRICT: 76
GEO CODE: 07418607307120000

Property Location:
302 MEADOW LAKE BLVD
COLUMBIA FALLS MT 59912
Property Description
07 30 20 TR 2BDAE IN NE4SW4

Parties with ownership interest as of January 1, 2020
Owner of Record.....THOMAS, HYON SU

Type of Property	Market Value	Taxable Value
Real Estate	62,170	839.00
No Buildings Assessed	0	0
Totals	62,170	839.00

Description	Percentage	Amount
County Functions	11.57%	115.02
Education	38.69%	384.35
City Functions	47.10%	467.88
Other	2.62%	26.12

SUMMARY OF TAXES, LEVIES & FEES

COUNTY	.068630	57.56	COUNTY LIBRARY	.006260	5.25
SHERIFF	.038700	32.47	CO PERM MED LEVY	.012760	10.71
NOXIOUS WEEDS	.001280	1.07	COUNTYWIDE MOSQUITO	.000910	0.76
911 GENER OBLIG BOND	.001880	1.58	PERM SRS LEVY	.000700	0.59
BOARD OF HEALTH	.005990	5.03			
SUBTOTAL - TAXES FOR COUNTY FUNCTIONS...				.137110	115.02
STATE - UNIVERSITY	.006000	5.03	GENERAL SCHOOLS	.104120	87.36
STATE - SCHOOL AID	.040000	33.56	FLAT VAL COM COLLEGE	.014490	12.16
COLUMBIA FALLS H.S.	.061960	51.98	COL FLS CITY ELEM 76	.225490	189.19
FVCC PERMIS MED LEVY	.006040	5.07			
SUBTOTAL - TAXES FOR EDUCATION.....				.458100	384.35
COLUMBIA FALLS CITY	.192584	161.58	CF PERM MED LEVY	.029592	24.83
COL FLS STREET MAINT		281.47			
SUBTOTAL - TAXES FOR CITY FUNCTIONS.....				.222176	467.88
COL FALLS CEMETERY	.002570	2.16	SOIL & WATER CONSERV	.001680	1.41
STATE FORESTER		22.55			
SUBTOTAL - OTHER TAXES AND FEES.....				.004250	26.12
Total Mills Levied	0.821636				

Total Taxes and Fees . . . 993.37

46988 **1st Installment due 11/30/2020 = 496.70**
2nd Installment due 05/31/2021 = 496.67

Tax paid receipts will be mailed only if a self-addressed stamped envelope is enclosed.
To pay or view taxes online, go to http://flathead.mt.gov/property_tax.
A 3% fee will be charged on all credit/debit card payments. There is no fee to pay by e-check.
Payments made after 5:00 pm or postmarked after the due date must include 2% penalty & monthly interest of 5/6 of 1% (0.008333).
Flathead County no longer accepts checks drawn on Canadian Banks

Keep upper portion for your records.

Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on:

MAY 31, 2021

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

ASSESSOR NUMBER: 0982067
TAX BILL NUMBER: 202059308
SCHOOL DISTRICT: 76

No additional notice will be sent for this installment.

Tax Amount Due: 496.67

2ND 2020 REAL ESTATE



Return stub with payment. Payment must be hand delivered, paid online, or postmarked by 5:00 pm on:

NOVEMBER 30, 2020

Make checks payable to **FLATHEAD COUNTY TREASURER**

Please include your tax bill number on your check.

Pay by e-check, credit/debit card online at http://flathead.mt.gov/property_tax

DO NOT PAY THIS IF IT IS INCLUDED IN YOUR MORTGAGE PAYMENT

If your address has changed, please make corrections below.

HYON SU THOMAS
PO BOX 3299
FRIDAY HARBOR WA 98250

Tax Amount Due: 496.70

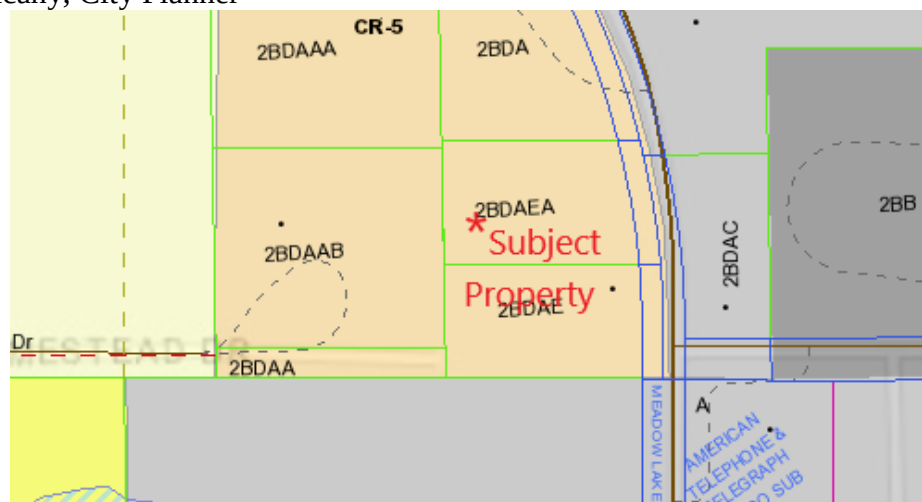
993.37

1ST 2020 REAL ESTATE



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

FAX (406) 892-4413



CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, February 9, 2021 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on Monday March 1, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

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 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.

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.

Request 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 2BDAAE of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Conditional Use Permit to construct 36 units of Apartment in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting a Conditional Use Permit to construct 36 units of apartments in two buildings, eighteen units in each building. The proposed two-story apartments will access Meadow Lake Blvd near the intersection with Best Way. The vacant property is approximately 2.5 acres in size and is located approximately ¼ mile

north of Highway 2 at 302 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.

Persons are allowed to attend the hearing(s), subject to the most recent public gathering restrictions enacted by County and State agencies at or prior to the time of the hearing. Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 19th day of January, 2021

Susan Nicosia

Susan Nicosia, City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

From: Michelle Goodman [<mailto:mg@glaciereye.com>]
Sent: Tuesday, February 2, 2021 8:16 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Zone Change to CRA-1

Dear Mr. Mulcahy:

We are writing in response to the letter we received regarding the proposed zone change to CRA-1 and CUP to construct 36 apartment units.

As a property owner adjoining the proposed zoning change and subsequent apartment complex, I am strongly opposed to this change for two reasons:

1. Traffic

Thirty-six residents would involve over seventy more vehicles entering and exiting the property on a daily basis. Meadow Lake Blvd. is narrow and heavily wooded with blind curves. South bound traffic won't have sufficient visibility to yield to vehicles entering and exiting from this complex.

In that vein, consider that the property south of the viaduct has already been sold and approved for ninety homes adding substantially more traffic (two hundred plus cars).

With the curves causing a lack of visibility for south bound traffic in this area, and already heavy traffic on this road, not to mention the constant growth, access for seventy more vehicles creates an untenable situation.

2. Property Value

This complex (a high density complex) would decrease the value of all of the neighboring properties. A home is the largest investment most people will make in their lifetime. My home is a vital part of my retirement plan, as I am sure any homeowner will recognize. A high density apartment complex will obviously decrease the value of our property as well as our neighbors, destroying the rural character of our area. When we decided to purchase this property in 2002, we checked the zoning regulations before we purchased the property precisely so we would not be living next to a project like this. If this project is approved against the will of the neighboring property owners, you will be rendering all zoning laws worthless and irrelevant. Zoning laws were designed to protect existing property owners from late comers that would harm their investments.

We request that you uphold the existing zoning regulations for this parcel.

Sincerely,
Rob and Michelle Goodman
280 Meadow Lake Blvd.
P O Box 3323
Columbia Falls MT 59912

To Flathead and Columbia Falls Planning Department

In regards to the proposed Zone change on Meadow Lake Blvd.

My concerns for the change are basically the safety of children of the families that would be attracted to the type of housing that is being proposed. I have lived just west at 165 Homestead drive for the past 30 years. My wife and myself loved to walk down Best way too town because it is the shortest and was the least congested route to the east to town. About 5 years back we gave up this route because the traffic had become enough that we were a hazard to traffic and feared for our safety. I do not believe it has gotten any better since. This is the route that children would naturally take to get to the playground at the schools in town. I think it will be just as dangerous for them as it was for us and they may not be as watchful! There are no other areas for them to find open space in the area maybe the rest home across the street though it is not public grounds. I found I had to hurry out of the way of traffic quite often when we crossed Meadow Lake Blvd. I feel that is a lot of families in a small area with nothing close for them to do. The current designation would cut the congestion 4 times or more of what is being proposed that would lessen the chances of serious accidents considerably.

Sincerely,



Philip R Zeiler

165 Homestead Drive

CITY OF COLUMBIA FALLS

FEB 04 2021

RECEIVED

vissotzkya@cityofcolumbiafalls.com

From: Barb Staland <staalandb@cityofcolumbiafalls.com>
Sent: Thursday, February 4, 2021 7:24 AM
To: 'Susan Nicosia'; vissotzkya@cityofcolumbiafalls.com; 'Eric H. Mulcahy'
Subject: FW: Apartment zoning

From: chief2whl@juno.com [mailto:chief2whl@juno.com]
Sent: Wednesday, February 3, 2021 6:19 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Apartment zoning

Dear Barb

We are the property owners that border the acreage of the request for the apartments. NO! We bought this property because it is a dead end with trees along all three sides. Then the neighbor on our South border clear cut his land. Now it is a fire hazard and created open access to our property. When there were trees the people didn't come as far as our property except a drunk now and then and kids on bikes. We dealt with them as it happened. Now without the trees it's as if an "open" sign was put up at the trailer park. Dogs are run, teens use the area to "hook up", homeless sleep there and the occasional drunk is more than occasional now. For our safety and that of our animals we put up a fence that cost us \$6,000. All of those people still use the clear cut area but other than our dogs barking we are protected.

Now with 36 units RIGHT in our view would come ugly buildings instead of trees, loss of privacy and safety. My husband was law enforcement for 35 years, EVERY apartment building was responsible for crime in the area. We are senior citizens who felt fear so we put up the fence, you will be exposing us to more fearful conditions. We bought and trained guard dogs, our property is gated but we won't be safe. We have had a dog poisoned and die, what is going to protect us from unhappy tenants who want to harm our animals? Who is responsible when someone cuts our fence and steals from us?

Have any of you considered the traffic? Meadow View is non stop, bumper to bumper. 35 mph zone but reality it's driven at 45+ mph. Adding 36 - 72 cars is dangerous! Check tow records, at least once a week I hear someone being towed, sometimes by friends not companies.

Children. 2 bedroom units will bring at least 36 kids. Bus area? Sidewalks? Play area? Child molesters? We have 6 Granddaughters who we babysit or visit and run our yard. They will be exposed to any and all who are on your property. 2nd story units will be able to have open view of our entire yard. How is that fair to us? The kids will torment our dogs, then when a hand is put through the fence and bitten we will be at fault. We have 68 chickens that free range the whole yard, you know as well as I do that they will be shot by "I don't know who". We didn't move into the city limits so we could have our chickens, the eggs are a ministry we do with our Church. The land is zoned for 2 family units, we could make friends with 2. Having 36 families, the problems are going to be real. The builder should be required to build a 12' wood fence which would diminish some of the problems.

Why the greed of 36 units? If he would put up one 18 on the South lot, wood fence and keep the trees along the fence line some of the unfairness to us would be less. The South lot would have view of our garage, we have some tall trees on the fence in that area and it would give us some privacy. The North lot could then be parking which would bring the traffic further from the intersection.

We vote NO! We have spoken with all the neighbors, NONE want this to happen. Please reconsider.

Sincerely,

Bruce and Diane Holding
175 Homestead Dr.
C. Falls, 406. 249-5131

Top News - Sponsored By Newser

- Senate Standoff Ends With 'Democrats Holding the Gavels'
- Liberty President on Massive Snowball Fight: 'I Messed Up'
- Told to Provide 'Hero's Pay,' Kroger Opts to Close 2 Stores

Brooke Stearns Lawson

P.O. Box 2813

Columbia Falls, MT 59912

Eric H. Mulcahy

City Planner

130 6th Street West, Room A

Columbia Falls, MT 59912

Re: Public hearing notice for a Zone Change to CRA-1 (multi-family residential) and CUP to construct 36 apartment units.

Dear Mr. Mulcahy,

As the homeowner of the property immediately north of the proposed development (labeled "2BDA" in the notice) I am writing to provide comments that will hopefully aid in the city's decision making and planning.

My property is directly impacted by this development. The proposed zoning (CR-1) is not in character with the zoning of my lot (also CR-5) or the surrounding residential lots. When purchasing this home, while understanding the changing nature of Columbia Falls, the expectation was that there would be four homes in the trees on the 2+ acres south of my property, not 36 apartment units on a clear-cut double lot.

While increasing the city's tax base and meeting the demand for additional housing in Columbia Falls are clearly priorities, so should being a forward-looking community that intelligently integrates urban development into the existing rural-industrial corridor that is southern Meadow Lake Blvd without detracting from existing infrastructure. I believe this can be done in a way that maximizes the benefits of all stakeholders as further development between the proposed development and Highway 2 is all but assured.

As such, any proposed changes to current zoning, and any permission to construct multi-family residential housing, should only be made if the following commitments are confirmed:

DEVELOPER

In exchange for granting the zoning change and CUD permit, the developer should agree take the following exceptional measures to ensure the privacy and quiet enjoyment of homeowners on the adjoining properties:

- a. **Parking:** The design of the development shall place no parking spaces on the northern border of the property. With respect to approval of the design of the development, the over 65+ parking spaces required should be restricted to and prioritized for, the interior and/or eastern end of the proposed development of the proposed development - not on the border of existing homeowners' yards. Implementing this requirement will greatly reduce noise and light pollution for surrounding homeowners, reducing the impact of the development and helping to preserve the surrounding property owners quiet enjoyment of their properties (not to mention property values). Placing existing homes in rural settings next to a newly built parking lot is an unreasonable and unnecessary burden to impose when thoughtful design could ameliorate this problem.
- b. **Entrances to Apartments:** Similarly, main entrances and hallways (entryways, doors, exits, garages) to the apartments shall be on the interior and/or eastern end of the proposed development.
- c. **Security:** Install attractive 6'-8' tall solid security fence on the northern and western borders of the proposed development.
- d. **Greenspace and Privacy:** Either preserve the existing trees withing 10' of the property line on the northern and western borders, or, upon completion of the project, in conjunction with installation of the 6' security fence, fast growing plant privacy trees (e.g., juniper or arborvitae) along the fence for additional privacy and noise reduction.

As someone who grew up in the Valley but has also lived in urban environments, and who understands both the need and demand for urban development, I believe the above measures, taken together, should materially address my most serious and immediate privacy and security concerns. I am not trying to stop progress, I just want to ensure it works best for everyone immediately impacted and those who will surely come after.

CITY OF COLUMBIA FALLS

Given the proposed development's location on Meadow Lake Blvd. (including its proximity to the city dump), along with the impact of approximately 70 cars and 100 people living at the intersection of Meadow Lake Blvd and Best Way, this intensive urban development at the edge of a rural-industrial corridor requires the City of Columbia Falls to prioritize not leaving the proposed apartment complex on an island at the edge of the city, but rather to aggressively integrate it and the 100+ people and pets who will live there into the immediate surrounding environment.

- a. **ACTIVELY FACILITATE PEDESTRIAN TRAFFIC.** One way to reduce car traffic coming out the proposed development and to make southern Meadow Lake Blvd a more integrated urban environment is to facilitate pedestrian traffic. Connecting the proposed development with the existing public footpath and key services a ¼ mile away at the intersection of Meadow Lake Blvd. and Highway 2 would not only benefit over 100 city residents and their visitors, it would also lay the groundwork for further urban development along the southern end of Meadow Lake Blvd. Urban development requires urban infrastructure. The City should not permit an urban zoning change without making corresponding on-the-ground investments in the immediately surrounding environment. Don't permit one without committing to the other.
- b. **CONFIRM NEED FOR ADDITIONAL TRAFFIC MANAGEMENT.** To the extent the city has not, it should study the need for additional traffic management tools (e.g., cross-walk, stop sign, left

turn signal, road expansion). Of particular concern are the intersections of Meadow Lake Blvd. and Best Way and Meadow Lake Blvd, which will essentially be the entrance for this development, and Meadow Lake Blvd. and Highway Two. As someone whose driveway is on Meadow Lake Blvd. immediately adjacent to the proposed development, I can confirm many drivers come around the blind corner at 35 MPH plus. This is a tricky spot that deserves study. In addition, the high volume of additional vehicles turning on and off of Meadow Lake Blvd. and Highway Two will place significant additional demands at this intersection and may necessitate road expansion and/or committed left turn signals to minimize congestion and risks of accidents.

Although my strong preference would for my immediate neighborhood to maintain its character of a small community (CR-5 – two family residential), I recognize that the wishes of individual home owners most directly impacted by this change may be over-ridden by broader interests for expansion and development.

It can be a good thing that Columbia Falls is becoming more city-like. The proposed project could be great for southern Meadow Lake Blvd. and our city more broadly; provided that, such development minimizes the impacts of the proposed nine-fold increase of households on the properties in question in a way that preserves the privacy and quiet enjoyment of adjoining homeowners and protects public safety while facilitating growth of this burgeoning urban corridor.

To the extent the developer is not willing take the aforementioned measures to protect the quiet enjoyment and security of immediately adjacent homeowners, or the City is does not have the resources to adequately support this form of urban development on southern Meadow Lake Blvd., the scope of the any proposed development should be scaled back such that the impact of the development is aligned with the current zoning or no more than double the development permitted by the current zoning, given the overall demand for housing in the community.

For clarity, I've included a simple drawing which illustrates some of the principles set forth in the letter above.

Sincerely,



Brooke Stearns Lawson

