



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, MAY 10, 2022 BEGINNING AT 6:30 PM
COUNCIL CHAMBERS CITY HALL

The Planning Board Meeting is held in the Council Chambers as well as by virtual meeting. Please contact Public Works Clerk Caleb Sobczak no later than 6 pm on the night of the meeting to obtain ZOOM meeting access information by calling (406) 892-4391 or email: sobczakc@cityofcolumbiafalls.com

CALL TO ORDER AND ROLL CALL

APPROVAL OF MINUTES:

1. Approval of April 12, 2022 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 item at their regular meeting on Tuesday, May 10, 2022 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 June 6, 2022 starting at 7:00 p.m. in the same location.

2. Request a Conditional Use Permit to Construct Two Six-Plex Apartments in the Columbia Falls Zoning Jurisdiction:

A request by Big Sky Living, LLC for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result, there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed at 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County

- a. Adopt Staff Report CCU-22-02 as Findings of Fact
- b. Recommend Approval of Conditional Use Permit, with Conditions, to City Council

3. Request to Change the Zoning from CR-5 (Two-Family Residential) to CR-3 (One-Family Residential) in the Columbia Falls Zoning Jurisdiction:

The applicant, Rhonda Hoon, is requesting a zone change at 1115 Nucleus Avenue in the Columbia Falls area from the current CR-5 (Two-Family Residential) to a CR-3 (One-Family Residential) designation. The property currently has a house and a detached garage on the property. The applicant would like to convert the garage to an accessory dwelling. The property is described as Lot 3, Block 8 of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

- a. Adopt Staff Report CZC-22-01 as Findings of Fact
- b. Recommend Approval of Zone Change to City Council

ADJOURNMENT

Next Regular Planning Board Meeting – June 14, 2022

REGULAR MEETING – 6:30PM.**CALL TO ORDER**

Chairman Vukonich called Meeting to order at 6:31 PM

PLEDGE OF ALLEGIANCE**ROLL CALL****PRESENT**

Vukonich
Smith
Byrd-Rinck
Shepard
Duffy
Kavanagh
Singer

ABSENT

Lundgren

Also present: Contract Planner Donna Valade, City Manager/Zoning Administrator Susan Nicosia, City Attorney Justin Breck

APPROVAL OF MINUTES:

Approval of March 15th, 2022 Regular Meeting Minutes

Correction by Singer to attendance of March 15th, 2022 Planning Board Meeting Minutes. Smith was listed in both PRESENT and ABSENT. Smith was PRESENT and Singer was ABSENT.

Motion made by Duffy to approve the March 15th, 2022 minutes with correction, Seconded by Shepard. Motion carried with all present voting in favor: Vukonich, Smith, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer

VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda) NONE

PUBLIC HEARINGS AND ACTION:

Chairman Vukonich read the hearing notice and asked for the Staff Report Presentation:

Request to Amend a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

Ruis Holdings 540 Nucleus Ave LLC is requesting an Amendment to their Planned Unit Development overlay for the property located at 540 Nucleus Avenue which was the former Bank of Columbia Falls site. The owner is amending the design of the south building to allow a height of 40-feet to the top of parapet and also allow a casino in the proposed restaurant on the main floor. Otherwise, the building meets all use and dimensional requirements. The property is described as Lots 11-15 and also all that portion of the east half of the vacated alleyway lying adjacent to the west boundary line of said Lots 11-15 inclusive of Block 37 and Lot 10A of the Amended Plat of Lots 1-3 & Lots 6-10 of Block 37

according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

Contract Planner Donna Valade presented Staff Report CPUD-22-02 for Ruis Holdings at 540 Nucleus Avenue. City Manager Nicosia reported that Condition Number 3 should read that the project shall be built in substantial compliance with the drawings prepared by Jackola Engineering. Byrd-Rinck asked if the height increase was in addition to the previous height increase. Nicosia responding, no, this request is a revision of the first building and is a restaurant/bar that is replacing the hotel previously planned. The height increase is only for the stair tower and elevator shaft to accommodate the elevator workings and provide a stair access to the roof. Duffy stated that he believed that the first-floor use of a restaurant casino would require a higher ceiling and that is why they are seeking to raise the height. Bobby Jo with Jackola clarified that the restaurant is 15 feet tall and the two floors with apartments are 9 feet tall. Kavanagh asked if the Fire Chief has allowed the additional height. Nicosia said yes, the height was approved by the Fire Chief. Nicosia noted that four written public comments were in the packets and are entered into record.

Chairman Vukonich asked if the applicant wanted to address the Board. Bobby Jo stated she is here from Jackola Engineering to support the application and answer any questions.

Motion made by Singer to Adopt Staff Report CPUD-22-02 as Findings of Fact, seconded by Nelson. Kavanagh stated that the height of the buildings on Nucleus is becoming more apparent that they need to consider it down the road. Duffy stated that the only space available downtown is up and they have to make buildings higher to accommodate growth. Kavanagh challenged the community by saying that the community can choose to not go up. Does Columbia Falls want to keep going vertical? Kavanagh stated he does appreciate the additional parking and he hopes the City completes a parking study since it can be difficult to park. Nicosia stated that the Council held a downtown parking workshop just last evening. Shepard stated that the only option is to annex forest land nearby or use the existing town for growth and he would rather use the town. Nicosia stated that buildings don't exceed three floors and height increases are for architectural elements. The intent of the 35 feet is so that buildings do not exceed three stories but with architectural elements buildings will look more pleasing. Vukonich stated that they have approved a height increase. Smith stated that maybe it was a mistake to approve it the first time. Duffy asked if 35 feet is the max height for a residence and Nicosia stated that is correct. Duffy stated a commercial building might need more height than a residence. City Attorney Justin Breck stated that the downtown corridor zone was created to encourage a conglomeration of commercial businesses and the only way it can grow is to go up. Byrd-Rinck asked if the norm would be to go higher than 35 feet, should the height limitation be changed. Nicosia stated that it would require a text amendment. Motion carried with all present voting in favor to adopt CPUD-22-02 as Findings of Fact.

Motion made by Singer to Recommend Approval of PUD to City Council with conditions, seconded by Duffy. Motion passed: Ayes: Vukonich, Nelson, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer. Nays: Smith.

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

Request for an Amendment to Conditional Use Permit to Construct 36 Apartment Units in the Columbia Falls Zoning Jurisdiction:

The applicant, Toby Gilchrist, is requesting an amendment to an approved Conditional Use Permit that allows the construction of 36 apartment units in two buildings, eighteen units in each building. The proposed amendment would allow the north building to allow owners of the units to offer short term

rentals of the units. The south building would remain exclusively long-term rental (30-days or more). None of the other elements of the project change with the request of this amendment and this amendment only deals with the length of stay for the north building. The property is located approximately ¼ mile north of Highway 2 at 302 Meadow Lake Blvd. The property is described as Assessors' Tracts 2BDEA and 2BDAEA of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Contract Planner Donna Valade presented Staff Report CCU-22-01. This amendment would allow owners of the units in the north building to offer short-term rentals of the units. Valade noted that staff is not making a recommendation to the Board.

Vukonich asked the Board if they had questions for staff. Shepard asked if the business plan was changing but the plan was not changing. Donna Valade stated that is correct, everything is the same except the usage. Shepard then stated that the Planning Board does not take a stand on the business plan and asked if that is correct. City Attorney Justin Breck stated that you have to look at this issue based on criteria for approval. He then said that Contract Planner Eric Mulcahy primarily looked at the character of the neighborhood. Vukonich stated that he does not recall anything like this request coming to the Planning Board. Nicosia stated it is coming back to the Planning Board because Eric Mulcahy considered it a significant change and staff cannot make a significant change without going to the Board. Vukonich remembers that the public was concerned at the original hearing that these would be turned into short term rentals. City Attorney Breck stated that in his opinion and legal research, the law does not look at short-term vs long term rentals differently. Shepard asked Nicosia how many vacation rentals are in the city and surrounding areas. Nicosia stated that there are about 100 in the City. Shepard stated that talking to the Police Chief there are very few calls about vacation rentals. Duffy wondered why there is a 9-18 number of apartments up for vacation rental designation. The applicant Toby Gilchrist answered saying that there will be two apartment buildings of 18 units and their goal is to sell around half of one of the buildings as vacation rentals, around 9 to 10 units.

Vukonich opened the Public Hearing at 7:12 PM

Paul Downing, 12 Talbot Pines Loop, stated that the whole valley is short on workforce housing and that Columbia Falls does not need any more short-term rentals.

Tracy Day, 2715 Witty Lane, stated that she was concerned that no financial viability assessment was submitted with the planning application which would show the reasoning behind the decision to have 9-18 units as short-term rentals. She realizes that this would not be presented to the members of the public but could be provided to City Planners and presented to Board Members for their assessment. She wanted to know if there is a real financial need to sell units as short-term rentals. She is concerned that this development sets a precedent for this area and that it could lose a sense of community. Short-term rental applications can place a stress on infrastructures. Lack of housing leads to lack of employees which leads to a lack of services. She believes this proposal is a significant change to use of the area and not just to the business plan so she urges the Board to consider that as well. She is wondering if the Council would be open to doing a Housing Supply Summary to see what is required and if developments coming forward meet those demands.

Shirley Folkwein, 285 Shooting Star Drive, stated she was a frustrated and was misled as a member of the public and it seems like her public input would not have an impact since this is a business plan and the Board does not consider those. She said she supported Mr. Gilchrist's original plan to have 36 units as long-term rentals but she does not support the current plan of turning half of these units into short-

term rentals. Ms. Folkwein states that we need more housing in the area and says that this is the Planning Board's opportunity to do something about this. She said she attended the January 2nd Council Meeting where a gentleman spoke about the need for more workforce housing. He said that the lack of housing was partially a result of short-term rentals and she agrees with him. If more short-term rentals are added to the existing vacation rentals it is a large number of short-term housing for a town of this size. There are families that want to live in this area that will not be able to find housing. She met someone like this a couple weeks ago and this person was being forced to move out of their rental because their landlord was converting it to short-term housing. She believes this to be partially a manufactured housing crisis brought on by short-term rentals. She has become quite familiar with and cynical of the planning process in the past couple of years, if the developer has met all of the conditions than they are obliged to approve the request, it does not matter what the public has to say. She lastly asks the Board to please consider this from a broad perspective and to not approve it.

Jelani Lawson, 292 Meadowlake Boulevard, stated that he fundamentally disagreed with the statement in the packet that the amendment only deals with the length of stay for the north building. He said that the change reduces the number of rental units in Columbia Falls and was the primary reason for the previous zone change. The intent of changing the units to nightly-weekly rentals will only appeal to second home owners and will not increase workforce housing but will be used for personal income generation. The proposed change will affect the character of the neighborhood with vacation rentals being put in right next to single family residences. He believes this will intensify the noise with partying vacationers. Property management will become an issue as well as fencing for both noise and security reasons. He believes traffic will actually increase from vacation rentals. This is just to cover a developer's cost and it is not the City's obligation to fix his cost issues and the developers and city's priority should be around its citizens. The priority of vacation rentals is ultimately not sustainable. What happened to the need to address workforce housing? He stated if approved, he would like to place the vacation rentals on the south side of the property and not the north. He would like to see an 8-foot fence on the side of the single-family residences and require sidewalks on Meadowlake Boulevard.

Kristen Downing, 12 Talbot Pines Loop, stated that her biggest concern is with the children who will not be able to find a single-family home so they will have to resort to an apartment. They will not be able to afford an apartment because people will not be willing to sell their short-term rentals.

Brook Stearns-Lawson, 292 Meadowlake Boulevard, stated that her focus is on the previous zone change. These 18 units will not "tip the scale" but will set a precedent. She asked the Planning Board if they would have made the same decision during the zone change hearing knowing that these would be short-term rentals and not long-term. She does not believe that the intent with this proposal is a bait and switch but it is a slippery slope. This change does not prevent locals from being priced out but it makes it all the more likely since investors will want to just do vacation rentals and not long-term housing. Columbia Falls depends on the tourist industry and we will suffer if we do not provide workforce housing and they have to compete with investors for housing.

Nathan Dugan, 937 Kalispell Avenue, Whitefish, stated that he does a lot of housing advocacy work in Whitefish. Short-term rentals are an issue for who can buy the units. If these units can be short term rented than they will be more expensive and will be focused towards a demographic of people who typically don't live here. There will be a more difficult time competing for housing. He is not opposed to condominiums to cover costs. Something that is worth exploring with the attorney or the developer is to have half the development be condos and have a stipulation that they cannot be short term rented.

Mallory Phillips 937 Kalispell Avenue Whitefish stated she also does housing advocacy. As we develop single family areas, the community seems to be for long term rental development but when there is a chance that they will be short term rentals it is harder to gain community support for future development. This decision sets a precedent that will make families less likely to support multi-family housing when they believe it could be used for short term rentals.

Bill Goldberg, 208 1st Avenue E, Kalispell stated that he wants to make sure that everyone knows that this was not a bait and switch and he has been working on this project with the applicant for over a year and a half. There is a belief that there is not a financial impact but he invites anyone to come and talk to him and he will show you the higher development costs from the planning stage to now, at the building stage. Goldberg understands it is a different community but if the density is there it creates other opportunities for affordable housing. The reality of this property was that it was approved for 2 duplexes but with the zone change the density wasn't targeted for max but for what could fit in there. The reality with the price increase was that he thought that it was going to be a hard no. He assures everybody that they gave the applicant the best number that they could. He knows that the developer genuinely wants to provide long term housing, that is where the project started and that's where we thought it was going to go. They understand the changes that are happening and with Ruis' project to the north it will provide additional housing and additional places for long term rentals. It comes down to trust and he trusts the applicant to do the bare minimum of short-term rentals. There is precedent for changes to short term rentals and projects changing over time but there is no intentional bait and switch.

Tracy Day, 2715 Witty Lane, stated that she was wondering if a condition could be added to the application to restrict any change of use to the rest of the site. Also, she wondered if the Board could enforce a phased approach to the development. Vukonich referred this question to staff. Valade stated that if they wanted to change any of the other units to short-term rentals they would have to go through the same process and each individual unit would be required to submit an application. Day also asked if the Board can defer the request until the developer provides a financial viability assessment and profit loss statement. Nicosia answered that it is outside of the City's purview to ask for a business plan, it is not a City or statutory criterion on which the City can base a decision.

Chairman Vukonich closed the Public Hearing at 7:51 PM noting written comments received in packet are also part of the record.

Chairman Vukonich asked the applicant if he wished to address the Board. Toby Gilchrist stated that he has an understanding of the need for affordable workforce housing in the valley. There is a supply issue with affordable housing and at all price points. It is being impacted by price points across the board. When people are building their mansions, they buy a smaller house then when their mansion is finished, they turn their previous house into a vacation rental. People come to retire here and they can't quite afford the house payment so they turn that house into a vacation rental with the intent to come and live in it when they retire. This new development will not be a mini hotel, he has financed many projects on Nucleus that are vacation rentals and almost all of them are primary residences. He owned vacation rental units in Columbia Heights and there were no complaints the entire time. The traffic impact study shows there is less impact on traffic with vacation rentals. Gilchrist stated that the answer to affordable housing in this valley is throwing supply at every single price point as supply and demand affects everything. Gilchrist stated that 18 vacation rental units in one place reduces demand for vacation rentals scattered around town, this is in a concentrated location and close to a vacation destination. From his observation you do see primary residences and locals investing in vacation rentals as another source of income. Around 10% of his residents for Columbia Heights that were vacation rentals were here for medical care because the hotels couldn't accommodate them. Gilchrist stated he has two decisions:

move on from this project or try and figure out a way to finance the project. This decision will support local businesses and the community through tax revenue. He stated that he appreciates the need for affordable housing but there is no way to get there right now. The project still supplies 18 long-term rental units. With only having 4 units with the CR-5 zoning, there was no way to finance the project with the extension of the water line. Gilchrist stated the he saw a townhouse in Columbia Falls that was about 1,400 or 1,500 square feet and it sold for \$475,000, is that affordable? It is a conundrum and the only answer is more supply across all price points. The people who plan on moving here buy something instantly and then shop.

Vukonich asked the Board if they had any questions for the applicant. Vukonich says that he has been reading the request and wanted clarification that 18 is the maximum number of units he will sell as vacation rentals. Mr. Gilchrest said he is correct but at this point he will only need to sell 9 units as vacation rentals to cover his cost. Gilchrest stated that there was no way to just designate half of the building as vacation rentals so he is making the whole building available to be sold as vacation rentals. Mr. Gilchrist is curious about the concern during public comment about changing the designation of the long-term rentals to short-term rentals in the other units and is there a way to restrict the developer from doing that? City Attorney Breck stated that his was answered earlier, if he chooses to do that than he will have to come back with another amended application. Breck noted that in addition, the owner of each individual unit that will be a vacation rental will have to go through the administrative conditional use permit process with the City. Nicosia stated that if it is in the Condominium Declaration that only 9 units will be vacation rentals that a 10th application would not be approved. Gilchrist stated that the HOA will have strict stipulations on quiet hours and vacation rentals. Gilchrist was wondering about the fence height that was in the proposal and he thought it was 8 feet already. It was confirmed that it was 6 feet in residential zones per Nicosia. Singer had a question about how many of the 9 units is he thinking of selling, how many bedrooms and will they be phased? Gilchrist answered that they will be 3 phases of construction in blocks of 3. They will be mainly 2 and 3 bedrooms in an equal mix. Singer than stated that it will not be first time buyers because of how the building is warrantied and asked what his prices are, what will they be selling for? Gilchrist stated that prices are based on market. Gilchrist added that a unit with a vacation rental can be sold at about \$600,000 and without it is about \$400,000, this project cost has gone from \$5.2 to \$8.2 million in 5 months.

Vukonich had a question for staff about the clarification of the minimum of 9-18 units for vacation rentals and asked if we should make a textual change stating a maximum of 18 units. Valade answered saying that Staff Reports are written for worst case scenarios and it was reviewed for the 18 units not the 9 units.

A motion was made by Duffy to approve Staff Report CCU-22-01 as Findings of Fact and it was seconded by Singer. Singer said that she recalls that the original application was denied because they thought there was a huge safety factor with no sidewalks. Nicosia answered by saying that the project stopped at the zone change because of the questions and some of them were addressed in the Conditional Use Permit. In order to address the questions that were coming up in the zone change it wasn't a denial it was a deferral. The questions were then addressed and it came back before the Planning Board and it was approved. Singer wondered if the nightly-weekly rentals were in the previous proposal would the Board have approved it. Singer stated she is still concerned about the safety of the people that will live in the 18 units that are long-term rentals as well as visitors that don't know where they are going. Nicosia said that the city can control the occupancy of the dwelling due to fire code based on bedrooms. Breck stated that this discussion isn't any different for a long-term rental. Breck cautioned the Board on basing their decision on long term vs short term rentals. There is no difference

on what an owner of a long-term rental can do with occupancy, the tenants and controlling their behavior. He realizes that this is a discussion about the desirability of affordable housing but that is a policy decision. To come in the middle of something and say that based on what has been heard in the last few months that affordable/workforce housing is more desirable than short-term rentals is a change in policy in which the City has not given people notice. Breck cautioned the Board on making a decision based on what they would like to see without an actual policy change in city ordinances. Kavanagh stated that the Board approved the zone change for strategic reasons. There was a lot of conversation about creating workforce housing around the zoning change he noted. Kavanagh stated that the Board had discussion about having to extend the water main and building a walking path and if this short-term rental information was supplied it would have changed his decision. He believes it does change the nature of the zoning change and does change the character of the neighborhood. Vacation rentals are taking a much more commercial look to their operations and for those reasons that zoning change would have made him think about the commercial implications and ramifications. Vukonich stated that staff considered this a significant change and brought this proposal back to the Board to consider the impacts of the change. Breck does not disagree with what Vukonich is saying and now they are coming back to a point of criteria where the Board can say they do not agree with this because it changes the character of the neighborhood. He does not want them to consider that they would have denied the previous proposal because there is concern for there being more housing as that is nonsensical and not defensible. Shepard stated that considering the want for affordable housing, his neighbor's house sold for a large amount of cash money. Do you want to sell affordable housing or say that this none of this project is affordable housing, it cannot be both ways? Shepard stated that the county could care less about Meadowlake Boulevard and with the new housing they should have done something to the road. Nelson stated that this is not affordable housing this is market-rate housing. Kavanagh asked for clarification on apartments not condominiums in the original document and this proposal is now taking the north building and making it into condos. Nicosia stated that the developer has the ability to condo under state law, it doesn't affect the zoning and it is not something the City can approve or disapprove. Byrd-Rinck stated that they had approved the previous plan because there was a need for long term housing and this new proposal would change the character of this neighborhood. Kavanagh stated that he believes that there would be a different impact on surrounding properties with short term rental use. Duffy stated that he is concerned that there hasn't been any discussion about surrounding areas and is future development going to use these reasons for short term housing. Duffy says that the last two sessions that they had approved two short term rental situations in a building modification and an RV park situation so it seems to be part of a trend. Vukonich asked the Board to look at page 221, of the proposal where it says that it will only change the term for the units in the north building, should the Board change the units to the south building? Breck reminded the Board that the staff report does not take a position and their decision doesn't change that only if they want to send this to the council as approved or disapproved. Nicosia stated that the Planning Board can amend the findings of the report if they disagree with them. Smith said that they should probably go back to what they agreed on originally; long-term rentals. Byrd-Rinck also stated that they should go back to what they originally agreed on; long-term rentals.

Kavanagh proposed amending the Staff Report, CCU-22-01, page No. 8, d. Immediate Neighborhood Impact as the proposed use does impact the surrounding areas. Nelson wondered if the southern building could be turned into short-term rentals, leaving the northern building as long-term. Gilchrist answered saying that the only reason that they designated the north building as short-term is due to the industrial property on the south. Singer asked what is going on with the property to the south. Nicosia said that the property is zoned industrial and it can be a storage yard but the owner will need to meet the shielding requirements with fencing and vegetation. Vukonich asked if the change from short-term rentals in the northern building to the southern building would they have to come back and review that change? Breck

was wondering if the Board would like to change the recommendation that the short-term rentals would only be conducted in the building to the south. Vukonich answered in the affirmative and would that require them to rereview this proposal? Nicosia stated that it is a stated condition. Vukonich said that it would be dealt with in the next portion of their process.

Kavanagh made a motion to amend Staff Report CCU-22-01 page 8 to include a paragraph that states the change of usage with the property does have an effect on the surrounding neighbors. This motion was seconded by Byrd-Rinck. Valade stated that usually a change to the findings of fact comes with a "because". Kavanagh stated that the change in usage to a short-term rental creates a transient nature to the property. Breck stated that the change is based on short-term vs long term rentals and that is different than the court saying that this is commercial now because you do short term rentals, no it is not it is still residential. Breck stated that you are talking about an impact because of the change to short term rentals. Kavanagh said that there is an impact on the neighborhood based on everything they have heard so his motion would be "The proposed short-term usage impacts the immediate neighborhood as the frequency and high change-over of occupants in the building creates a transient nature which changes the character of the neighborhood." Nicosia read back the motion as requested by Vukonich and stated that it would be inserted in between the two paragraphs on page 8. A roll call for the amendment to the findings of fact with all present voting Aye: Vukonich, Smith, Nelson, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer. Roll call vote was made to adopt Staff Report CCU-22-01 as findings of fact with all present voting Aye: Vukonich, Smith, Nelson, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer.

Duffy motioned to recommend approval of the Conditional Use to City Council, seconded by Shepard. Motion Failed: Ayes: Shepard, Duffy. Nays: Vukonich, Smith, Byrd-Rinck, Kavanagh, Singer. Absent: Lundgren.

ADJOURNMENT – Meeting duly adjourned at 8:54 PM

Chairman

Attest:

Public Works Clerk

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

Item No.2.

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, May 10, 2022 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 June 6, 2022 starting at 7:00 p.m. in the same location.

Request A Conditional Use Permit to construct two six-plex apartments in the Columbia Falls Zoning Jurisdiction:

A request by Big Sky Living, LLC for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result, there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed at 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County

Request to change the zoning from CR-5 (Two-Family Residential) to CR-3 (One-Family Residential) in the Columbia Falls Zoning Jurisdiction:

The applicant, Rhonda Hoon, is requesting a zone change at 1115 Nucleus Avenue in the Columbia Falls area from the current CR-5 (Two-Family Residential) to a CR-3 (One-Family Residential) designation. The property currently has a house and a detached garage on the property. The applicant would like to convert the garage to an accessory dwelling. The property is described as Lot 3, Block 8 of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Interested persons are allowed to attend the hearing(s) in person or via ZOOM. 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, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Conditional Use Permit or Zone Change, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481. To obtain the ZOOM meeting registration, contact City Clerk Barb Staaland via email or by calling (406) 892-4391 no later than 5:30 p.m. the day of the meeting.

DATED this 18th day of April, 2022

Susan Nicosia

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

Publish: Daily Interlake Sunday April 24th, 2022

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

Item No.2.

COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CCU-22-02

Big Sky Big Living LLC

April 18, 2022

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 9 and 11 Diane Road. The Conditional Use request is scheduled for a public hearing before the Planning Board on Tuesday, May 10, 2022 at 6:30 PM and Columbia Falls City Council on Monday, June 6, 2022 at 7:00 p.m.

BACKGROUND INFORMATION

A. PETITIONERS

Big Sky Big Living LLC
173 Spring Creek Hills Road
Livingston, MT 59947

B. PETITIONER'S TECHNICAL ASSISTANCE

Jason Gerbozy, J. Martin Builders
3576 Highway 93 South, Suite A
KalisPELL, MT 59901

C. LOCATION/DESCRIPTION

Hilltop	Block:	Lots: 166 and 167
Homes	N/A	

Section: 18 Township: 30N Range: 20W
Address: 9 and 11 Diane Road, Columbia Falls, MT 59912

D. REQUEST

The applicants are petitioning for a Conditional Use Permit to allow for one six-plex condominium to be placed on each of Lots 166 and 167. The Planning Board and City Council approved a Conditional Use Permit for these same properties back in 2017 with basically the same layout. The big difference is that the architecture has been amended and the new buildings have six garages in each building. (See attached plans)

E. NATURE OF THE REQUEST

As required by the CRA-1 zoning, a Conditional Use Permit is required for the construction of a multi-family building in excess of a duplex building. In this case the applicant is requesting the CUP for two lots, both of which will have a six-plex. The intent of the Conditional Use Permit is to address neighborhood impact and compatibility. Lots on Diane Road have been issued a number of CUP's and almost every lot has a six or eight plex.

F. EXISTING LAND USE

Every lot on Diane Road except these two are occupied by six-plex and eight plex apartments/condominiums. The area is zoned CRA-1 (residential apartment), which by definition is "A district to provide areas for multi-family use and for non-residential uses which support or are compatible with the primarily residential character. This district is intended as a buffer between residential districts and other denser, non-compatible districts. This district is intended to apply throughout the planning area." The proposal area is wholly contained within the CRA-1 district.



Structures in the immediate neighborhood.

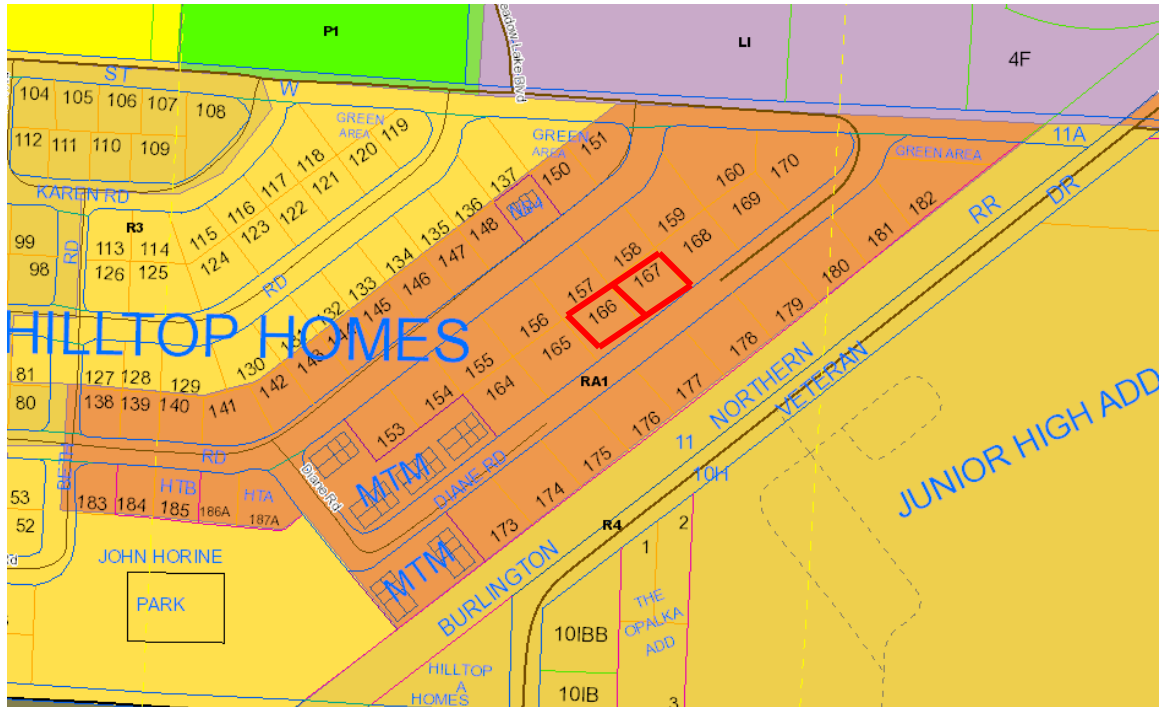




Location of the two lots

G. ADJACENT ZONING AND LAND USE:

The property is located within a CRA-1 (Residential Apartment) zone in the southern edge of the City. CR-3 and CR-4 zoning are to the north and south of the subject property, and Light Industrial to the northeast. The site is bounded by the railroad tracks to the southeast. The surrounding land uses consist of structures similar in use, size, and density.



Source Flathead County GIS Subject Parcels are outlined in red

H. **GROWTH POLICY DESIGNATION:**

Growth Policy designates this area Multi-family residential, allowing 8 +units per acre. Housing is typically duplex or larger attached housing with units serviced by public sewer and water facilities. The project proposes a total of 12 residential units on two 15,000 square foot lots. The total acreage of the two lots equal 0.68 acres for a density of 17.6 units per acre. The site does have access to public sewer and water. Therefore, this proposal is in compliance with the Growth Policy.

The Talbot Neighborhood plan adopted by the City in 1996 addresses this area and offers recommendations for multi-family structures in this neighborhood in particular. The Plan anticipates that there will be multi-family housing construction in this portion of Hilltop Homes. However, in doing so, Goal #1 of the Plan under Street Design states:

*In multi-family developments, street-side landscape standards should be developed to soften the impact of the development. The plan specifically calls for a minimum of one tree every 30 feet located no more than 5 feet off of the paved street. This will be a condition of approval.

*Live ground cover should be used for all landscape treatments.

*The proposal does incorporate lawn for landscaping along with some shrubs. To soften the front façade, staff is conditioning the development with a

four foot wide landscape bed along the front of the building. The zoning regulations require a five foot landscape buffer between the parking and the neighboring lot to the north. A condition of approval will be for a landscaping plan to be submitted with the building permit application for approval by the City manager prior to issuance of the building permit. The landscaping plan will also show irrigation of all landscape areas.

Policies under Multi-family Housing Design state:

*Long facades of multi-family structures should be divided into shorter segments, using building mass, such as entrance porches, notches, bay windows, etc. The maximum span between building mass changes should be less than 40 feet.

*Architectural elements are recommended in multi-family developments to create outdoor space and human scale. Features such as courtyards, porches, balconies, and trellises create the illusion of smaller, more comfortable, space.

*Roofs and rooflines of multi-family structures should contribute to a residential image. Sloped roofs, dormer windows and other features associated with traditional forms of residential development. Long expanses of uninterrupted roofline should not occur.

*Comment-The proposal accommodates these design features. The plans feature changes in roof lines with gables in the front, covering over the garage, staggered façade on the front, and, balconies.

I. UTILITIES/SERVICES:

Sewer: City Sewer is available

Water: City Water is available

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: Proposed use is to be contained within the existing permitted lot coverage. Each six-plex lot encompasses 4,360 square feet of the 15,000 square foot lot for a lot coverage of 29%. The Columbia Falls

Zoning Ordinance allows maximum lot coverage of 45%. The proposed buildings are within the allowable coverage.

ii) Adequate Access: Primary access is by Diane Road.

Parking Lots: The applicant proposes parking for the development on-site. Each structure will be largely independent of the other, with the exception that the abutting lots will share a parking lot approach. This reduces the cost of development, maintenance and mitigates storm water impacts. It is also how many of the neighboring lots have been developed. The applicant shall show that approaches have suitable legal access to both lots. This can be met with an easement, or through the provisions of the Unit Ownership Act.

Pedestrian Access: This is provided for throughout the subdivision's interior in the form of 5 foot wide detached sidewalks along the streets. Sidewalks are also provided along the parking lot access. The building design is somewhat unique to the neighborhood in that these units have garages and the primary access to the units are from the rear of the site so access to the units is either directly from the garage space or a short walk across the driveway. There is a pedestrian trail along Talbot Road, 250 feet to the south on the other side of John Horine Park.

A note of clarification: The site plan shows the sidewalk within the applicant's property. In actuality, the sidewalk will be placed within the City's 60-foot right-of-way to match up with the existing sidewalks.

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 lots are flat, 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 building permit approval process. The drainage requirement protects adjoining neighbors from this project's roof and parking lot run-off. It should be mentioned that at some point in time, these two lots received a significant amount of fill and as such sit higher than the neighboring lots.

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 limited on-street parking available and the developer is proposing off-site parking for the development as required by zoning code. The code requires two parking spaces per unit so each 6-plex provides a minimum of 12 spaces. All parking lots and driveways will be paved with a 5 foot landscape buffer around the parking area. Visitors/guests can utilize the on-street parking. Residents will utilize the parking lots and garages to the rear of the buildings and the rear entry to the structure.

- 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 all lots is via Diane Road. Each residential unit is anticipated to generate up to 10 vehicle trips per day, therefore, this project could create 120 additional trips. Diane Road connects to the street grid in South Hilltop providing multiple ingress and egress point to the Columbia Falls Street system.
- iv) Open Space: The applicant's proposal meets all front, side and rear yard setbacks as required by zoning. There is an established City Park (John Horine) that is five acres in size and contains a play area, a soccer field and open space. It is within a short walking distance from the proposed structures at the end of Diane Road. As is policy for the South Hilltop development of these multi-family lots, a \$1,000 payment per lot will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to John Horine Park.
- v) Fencing/Screening: The applicant proposes a five foot wide landscape buffer along the outside perimeter of the parking area. Columbia Falls Zoning Ordinance requires this if parking is located within the rear or side yard setbacks. The applicant also proposes to buffer the parking areas with low-lying landscape.
- vi) Landscaping: The applicant is providing a 5-foot wide landscape buffer along the outside perimeter of the parking area. There will also be low-lying landscaping treatment that will be incorporated as a buffer for the parking lot. One tree (1 ½ dbh) every 30 feet along the street will be provided by the applicant. The lawn areas will be sodded and irrigated as provided for in previous CUP's.

The proposed apartment design is somewhat unusual in that the rear of the building faces the street and the entrances to the units fronts the parking lots at the rear of the lot. As a result, staff is recommending a four-foot wide landscaping bed along the south side of the buildings to soften the expanse of siding. This landscaping will also blend with that of the neighboring buildings.



Recently completed building in the neighborhood.



Completed ten years ago with mature landscaping

- vii) Signage: Signage would conform to existing Columbia Falls sign regulations for the CRA- zone. There are no signs proposed. The Sign Ordinance will limit the sign to 6 feet in height and 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 12 new lots would generate approximately four (4) students to the schools system. The Junior High is within walking distance and the grade school and high school can be accessed by the Talbot Trail. The additional students should not negatively impact the District.
 - ii. Parks and Recreation: The applicants are not proposing any significant open space or recreational amenities on-site. The project is within easy walking distance to John Horine Park. This City Park is 5 acres in size and contains a play area, a soccer field and additional open lands and the City of Columbia Falls Public Works shop. It has been noted in the previous CUP's that this park is undersized for the amount of current and proposed population planned for this area. This park was part of the parkland dedication for the original platting of Hilltop Homes in 1978. At that time, these lots were planned for duplex uses, and did not take into consideration the possibility of multi-family structures, which is potentially 3 times the anticipated use. The previously approved Conditional Use permits along Diane Road all required a \$1,000 per lot payment to the City of Columbia Falls be made to specifically for improvements at the John Horine Park. This is a bare minimum contribution for recreation amenities which will be used by these future residents.

- iii. Police: The Columbia Falls Police Department is responsible for the proposed development. The development will have an increase in potential impact as it brings 12 more families 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 were installed with the completion of Diane Road.
 - v. Water: City water service is in place down Diane Road.
 - vi. Sewer: All lots are serviced by City Sewer.
 - vii. Solid Waste: According to the site plan, both lots will share a single centrally located trash receptacle, located at the rear of the lot. The Architectural standards in the Columbia Falls Zoning Code require that the trash receptacle be shielded from view by a solid fence or wall with gate. 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. As this proposal is similar in size and nature to the existing development in the immediate vicinity, the proposed use will not be detrimental to abutting properties in particular and the neighborhood in general.
- e. Typical negative impacts which extend beyond the proposed site include, but are not limited to:
 - i) Excessive Traffic Generation: The twelve additional units will not significantly change the traffic volumes currently using the roads. With the completion of Diane Road, traffic is dispersed through the neighborhood and not concentrated on a single path to the collector roads.
 - 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(c.).

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 18.532.010 Parking facilities

Chapter 18.438 Signs

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

SUMMARY

The Conditional Use Request for permitting two six-plex residential buildings located at 9 and 11 Diane Road in the Hilltop Homes subdivision. 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 Master Plan and the more specific Talbot Neighborhood Plan. The building design has incorporated design elements such as gabled rooflines, covered access points, and projecting wall lines.
2. There are no environmental constraints on the property.
3. Sidewalk and street trees will be installed with the completion of each building.
4. The project density is consistent with the neighboring residential buildings.

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 the CUP 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. Where absent in front of the buildings, the applicant shall construct and/or install and improvements to city standards, such as sidewalks and street trees to the extent and connecting to the sidewalks on each side of the development.
3. A sidewalk shall be extended from parking lots to connect with the sidewalks parallel to Diane Road as shown in the site plan.
4. Street trees shall be planted at a minimum distance of 30 feet on center along the entire perimeter of the project abutting Diane Road. The trees shall be a minimum of 1 ½" dbh and shall be located in the boulevard between the street and the detached sidewalk.
5. The applicant shall pave all parking areas and driveways.
6. The applicant shall demonstrate that the shared approach has the right of access to each lot by easement and maintenance agreement.

7. 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 prior to issuance of a building permit.
8. The applicant shall fully enclose with a fence or screen with growing materials the garbage collection site as shown on the site plan.
9. 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.
10. 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.
11. Signage shall comply with Section 18.438.080 of the Columbia Falls Zoning Regulations.
12. A \$1,000 payment per lot will be made to the City of Columbia Falls prior to the issuance of a Certificate of Occupancy for improvements specifically to John Horine Park.
13. To address the orientation of the building, the applicant shall install a four foot wide landscape bed adjacent to the south side of the building. The landscape bed shall consist of shrubs, bushes, and ground cover. All landscaping shall include an irrigation system.
14. The City Manager shall approve a landscaping plan prior to issuing a building permit. Said plan will address landscaping and irrigation of the site.
15. The Conditional Use Permit shall terminate 18 months from the date of issuance if commencement of the authorized activity has not begun.

PAID

MAR 31 2022

CITY OF COLUMBIA FALLS

APPLICATION FOR CONDITIONAL USE PERMITFILING FEE ATTACHED \$ 1200.00 SEE FEE SHEET**PROPOSED USE:** Dwelling, multi-family, two 6-plex buildings

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

OWNER(S) OF RECORD:Name: Big Sky Big Living, LLCMailing Address: 173 Spring Creek Hills RoadCity/State/Zip: Livingston, MT 59047 Phone: 406-270-2164**PERSON(S) AUTHORIZED TO REPRESENT THE OWNER(S) AND TO WHOM ALL CORRESPONDENCE IS TO BE SENT:**Name: Jason Gerbozy, J. Martin BuildersMailing Address: 3576 Highway 93 South, Suite ACity/State/Zip: Kalispell, MT 59901 Phone: 406-257-1792**LEGAL DESCRIPTION OF PROPERTY** (Refer to Property Records):Street Address 9 & 11 Diane Rd Tract _____ Block _____ Lot 166 & 167Subdivision Name Hilltop Homes

Section _____ Township _____ Range _____

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: 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.

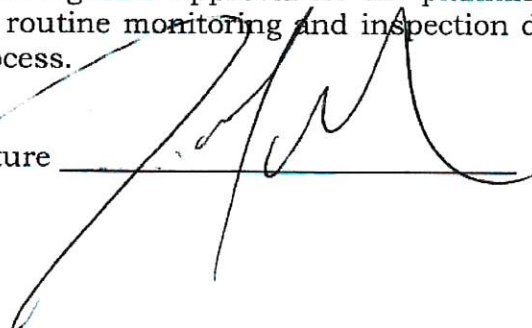
3. On a separate sheet of paper, discuss the following topics relative to the proposed use:

- 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.

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

3/30/22

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.

Conditional Use Permit Request

Big Sky Big Living, LLC
Lots 166 & 167 of Hilltop Homes, Columbia Falls, MT

Application Section 3. Topics For Discussion

A. Traffic flow and control:

The proposed traffic flow for the two lots would enter the property from Diane Road via a 24' driveway that is centered over the boundary line that divides the two, it will then lead to parking areas that will be located behind the proposed multi-family dwellings flowing in both NE and SW directions. An estimated 120 vehicle trips per day will be added to the traffic flows on Diane Road. Please see the Site Plan provided by J. Martin Builders.

B. Access to and circulation within property:

Access will be via the driveway described in section "A" off of Diane Road. The site design has provided sufficient space for vehicles to access the individual garage parking spaces and 8' parking spaces located behind the dwellings allowing for a vehicle to circulate in and out parking area. Please see the Site Plan provided by J. Martin Builders.

C. Off-street parking and loading:

There is a proposed 2 paved off-street parking spaces per dwelling unit totaling 12 spaces per lot. This meets the required 2 spaces described in the Columbia Falls Zoning Regulations (18.504.030).

D. Refuse and service areas:

Solid waste will be private contract haul and 1 solid waste refuse container will be provided for each building unit.

E. Utilities:

Both city water and sewer are available to lots 166 & 167 and are located on Diane Road. Flathead Electric also has facilities on Diane Road. See attached images

F. Screening and Buffering:

Setbacks required for zone CRA-1 will be provided and are shown on the site plan. The front setback is 20', rear 15', and sides 5ft each. Zone CRA-1 does not require any buffer/screening although screening will be provided around the open air parking area per Columbia Falls Zoning Regulations (18.522.050).

G. Signs, yards, and other open spaces:

Signage would conform to existing Columbia Falls sign regulations for the CRA-1 zoning designation although there are no signs proposed at this time. The applicant is not proposing any significant open spaces or yard at this time either. There may be some sod areas integrated into the landscaping along with a small pet relief area. The yard areas for the dwelling units are approximately 20' along Diane road and 20' along the driveway between the two lots. There is open space at Horine Park located about 600' SW of the dwelling units of which is owned by the city and is about 5 acres in size.

H. Height, bulk, and location:

The lots both exceed the minimum lot area of 7,500 square feet and are 15,000 square feet each. The lots also exceed the minimum lot width of 70' and are 120' each. All of the yard requirements are exceeded as well. The maximum height requirement of 35' will not be exceeded, nor will the maximum lot coverage area of 40%. All height, bulk, and location requirements will comply with those stated in the Columbia Falls Zoning Regulations (18.332.040).

I. Location of proposed open space uses:

There is no proposed open space on lots 166 & 167.

J. Hours and manner of operation:

The dwelling units are proposed to be residential in nature and will therefore not have hours of operation.

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

As the proposed use is for residential dwelling units there are no expected issues regarding noise, light, dust, odors, fumes, or vibrations. There may occur some of the listed issues temporarily during construction of the dwellings units, but measures can be taken by the contractor in order to minimize the impact.

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:
There will be no employees on the premises
2. Number of employees that are not family members residing at the premises:
There will be no employees on the premises
3. Estimated number and frequency of clients/patrons that will visit the business:
There will be no businesses as the proposed use is residential
4. How much area will be used for the business compared to the area used for residential purposes:
There will be no businesses as the proposed use is residential

Site images:

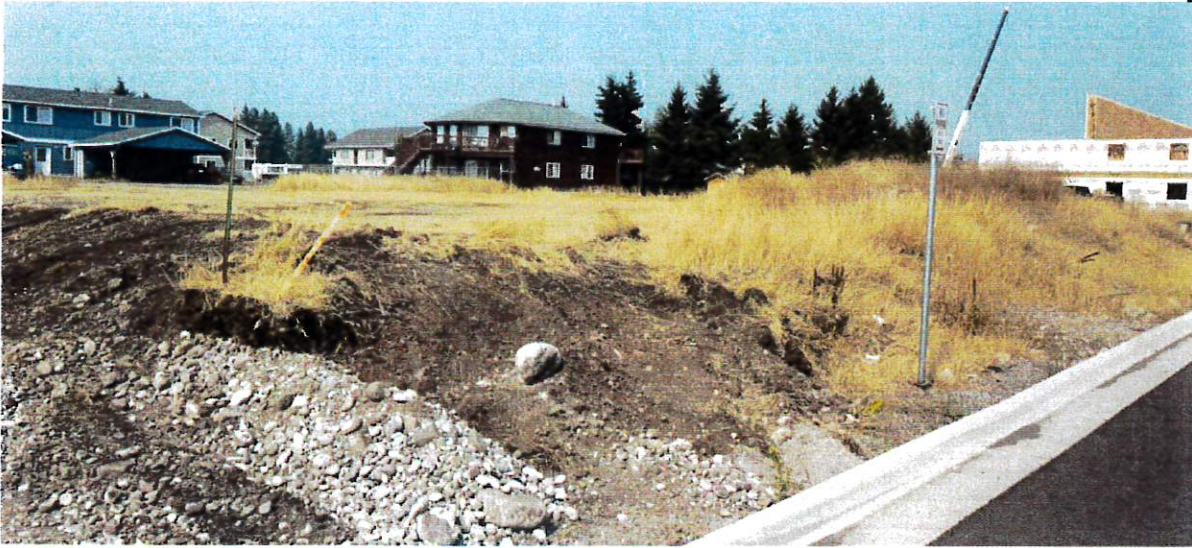


Figure 2 Lot 166 looking NW



Figure 1 Lot 167 looking SW

Continued:



Figure 3 Lot 166



Figure 4 Lot 167

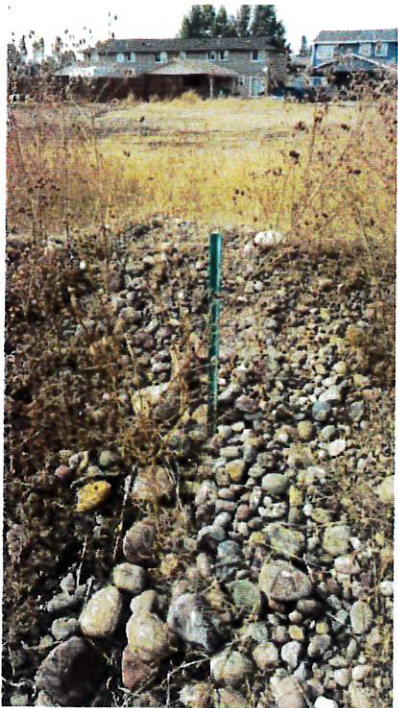
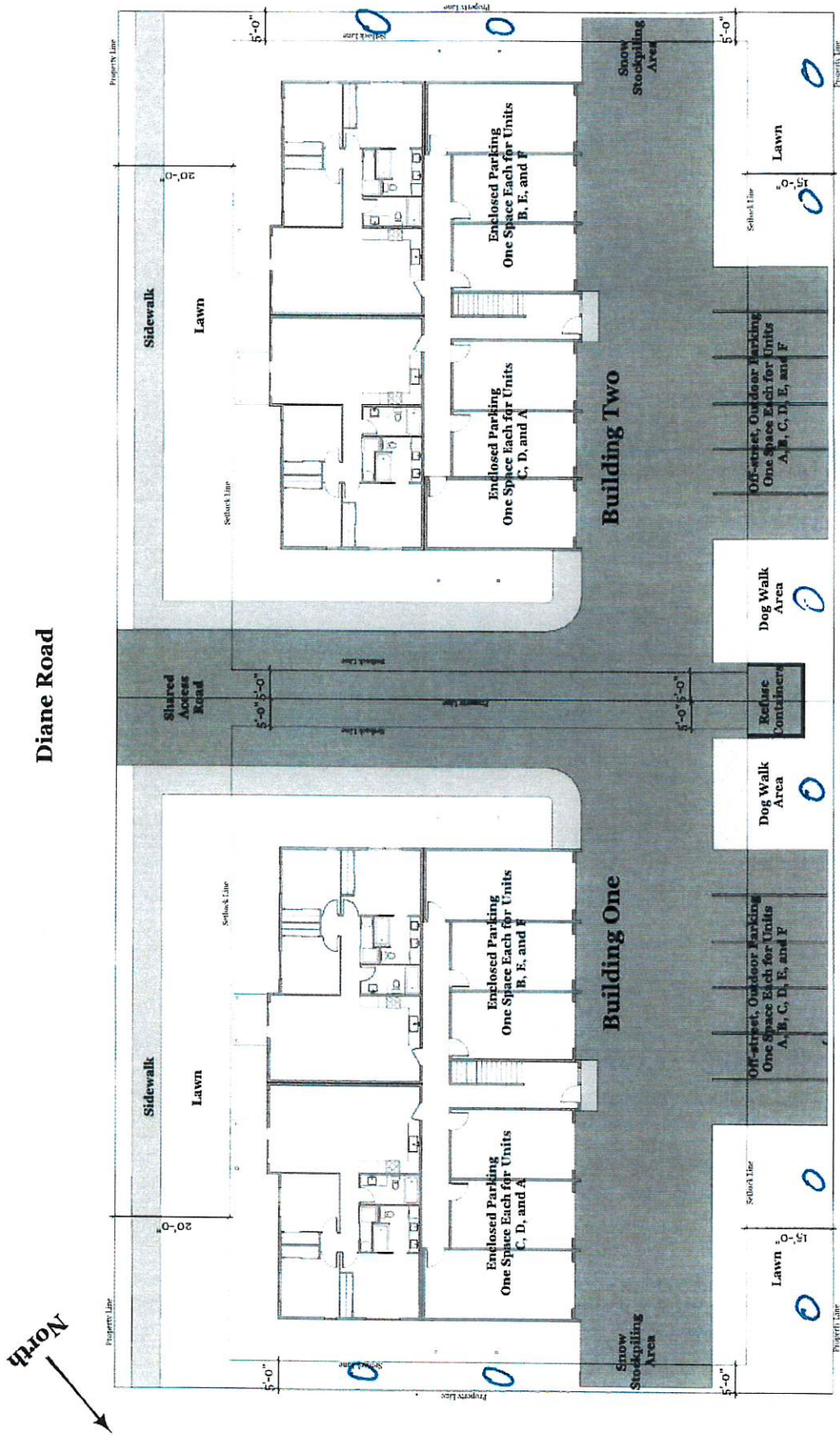


Figure 5 Various Utilities

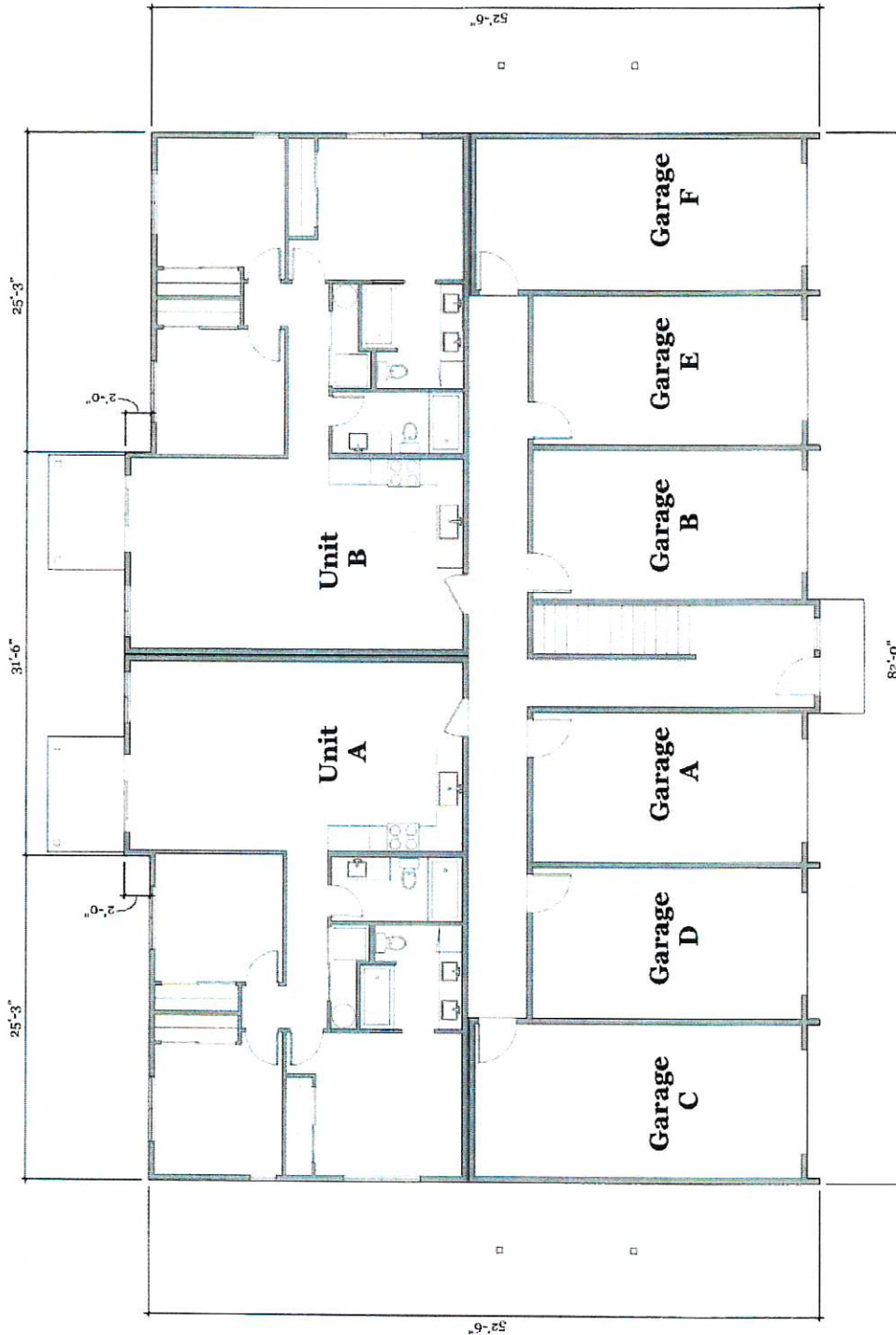


Site Plan

Diane Road Apartments
Columbia Falls, Montana

0 = 5 gallon bucket





Main Level Layout

Diane Road Apartments
Columbia Falls, Montana



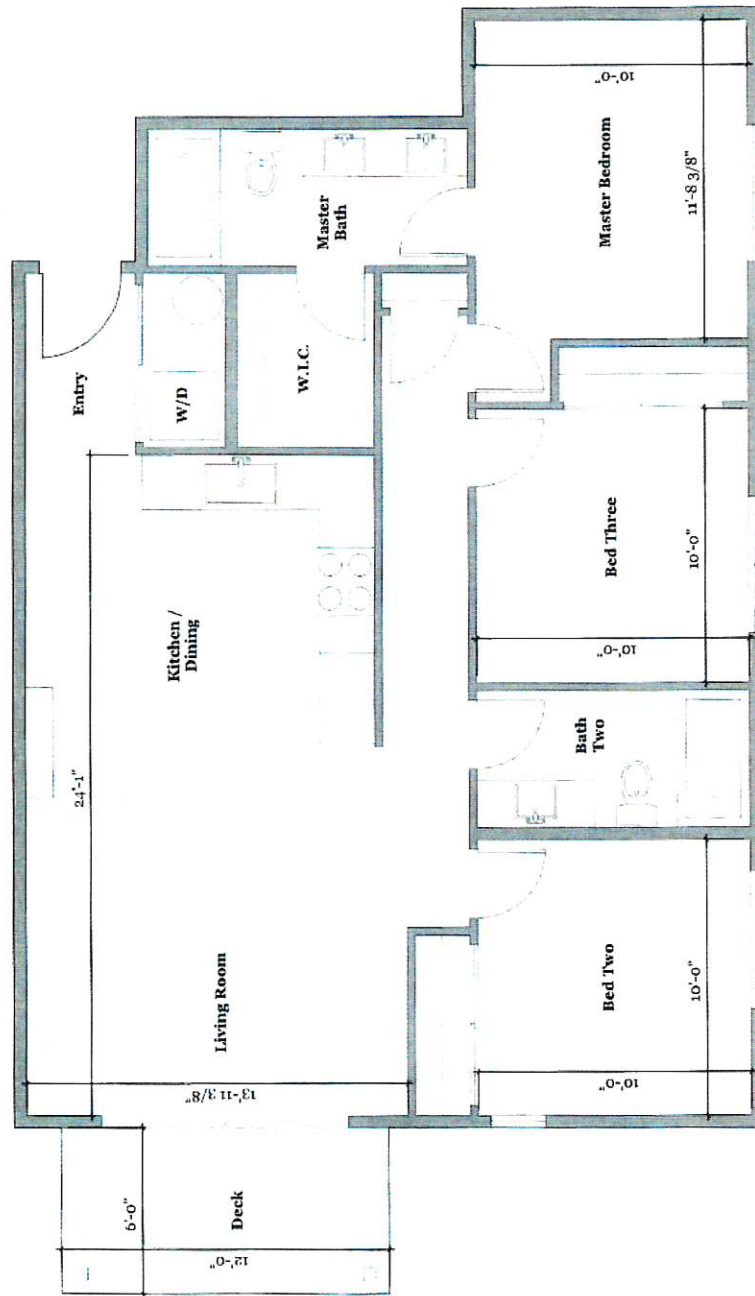
Upper Level Layout

Diane Road Apartments
Columbia Falls, Montana



Layout 1 - Units A, B, D, and E
Approx. 1050 Sq. Ft. Each

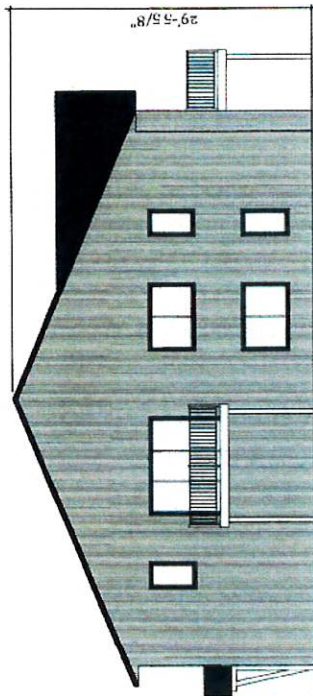
Diane Road Apartments
Columbia Falls, Montana



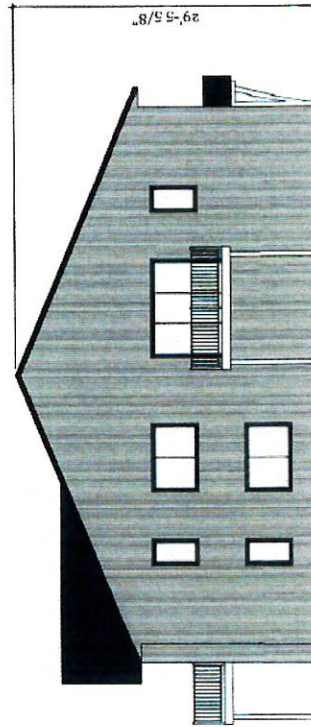
Layout 2 - Units C and F
Approx. 1035 Sq. Ft. Each

Diane Road Apartments
Columbia Falls, Montana

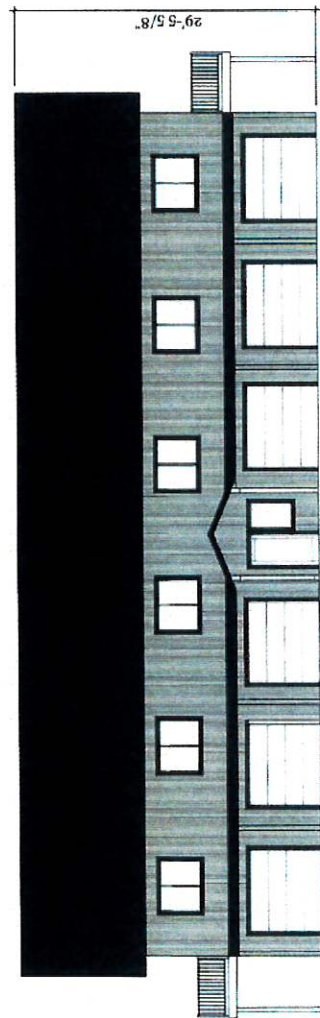




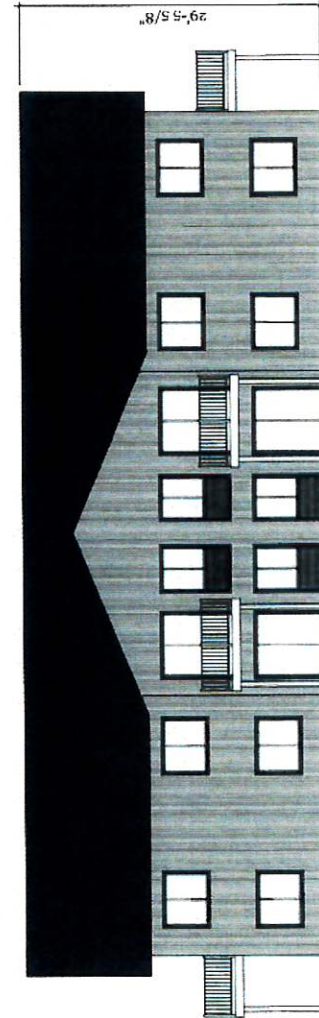
Southwest



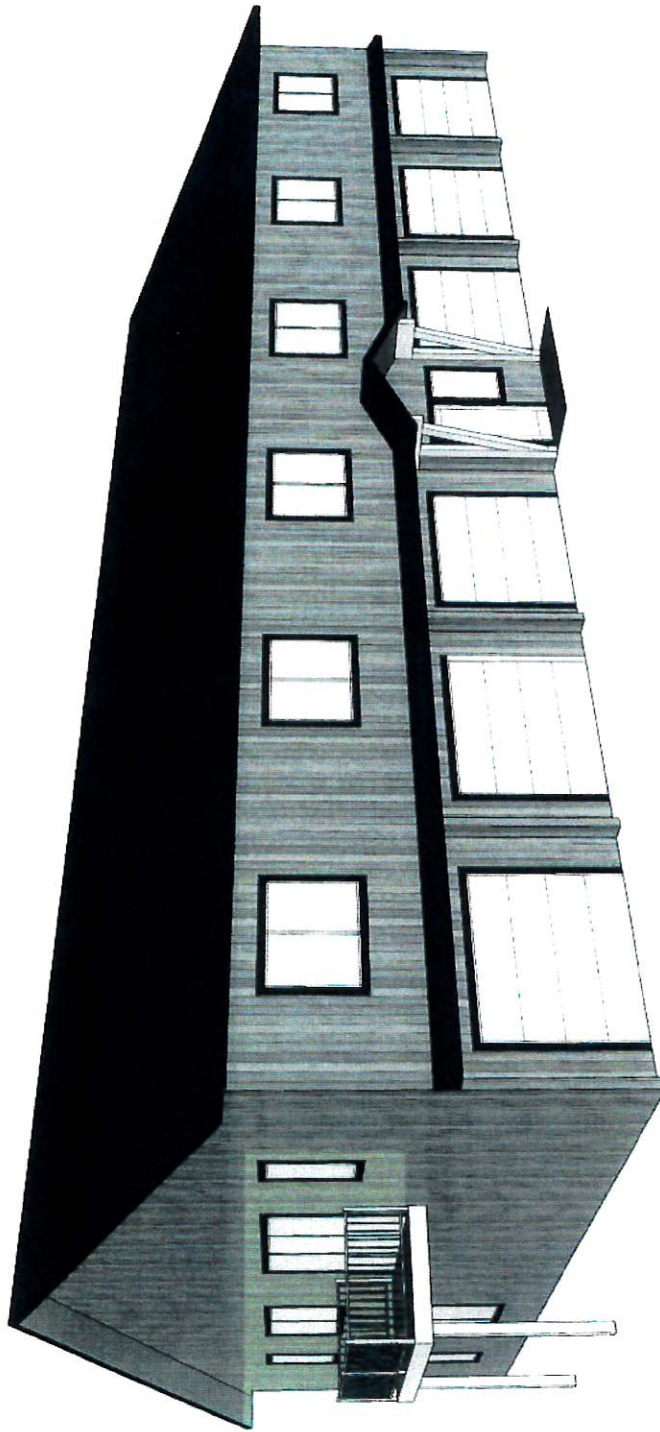
Northeast



Northwest

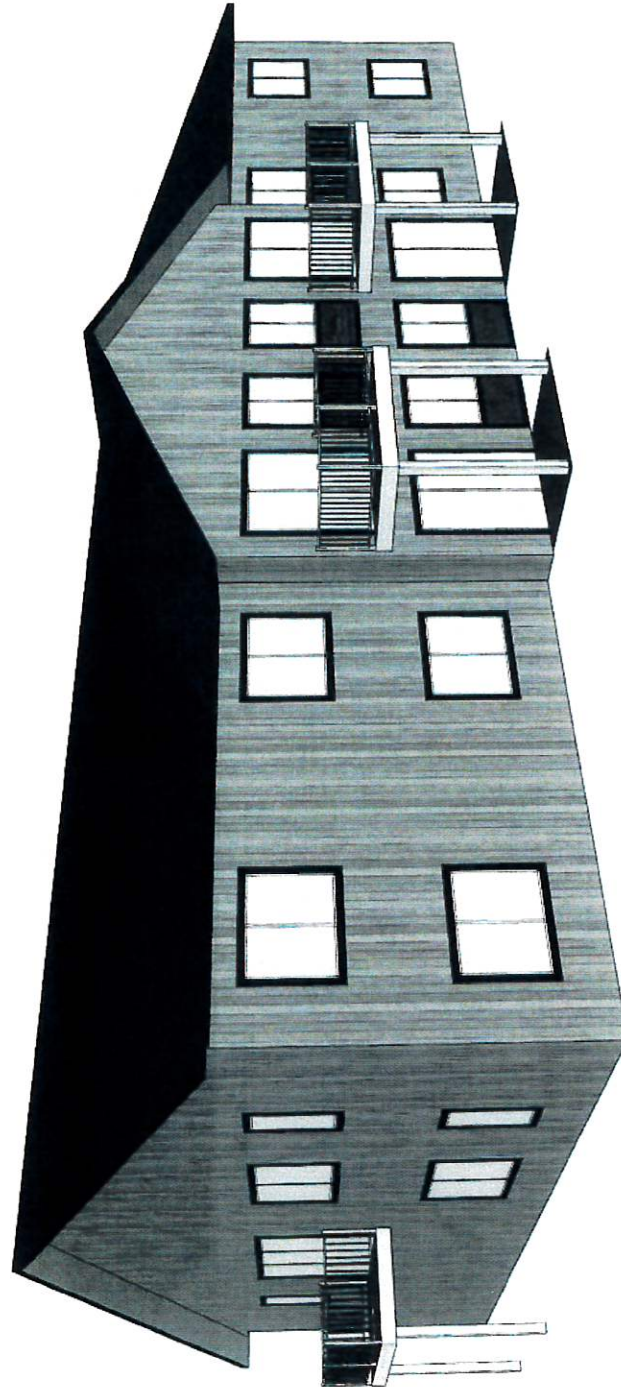


Southeast



Exterior Renderings

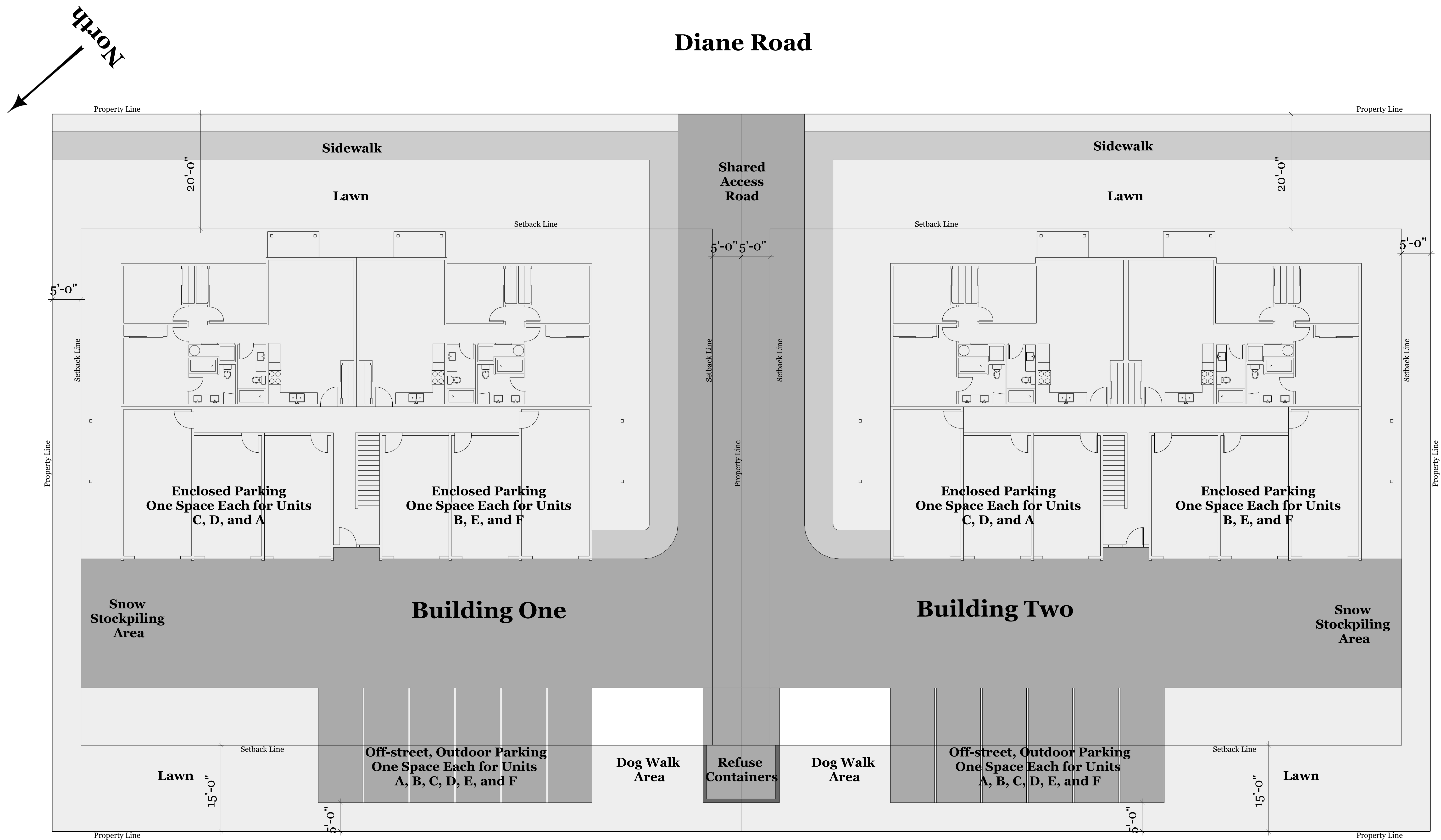
Diane Road Apartments
Columbia Falls, Montana



Exterior Renderings

Diane Road Apartments
Columbia Falls, Montana







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

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.2.

Planning Department

April 21, 2022

Re: Public hearing notice for a CUP for property located at 9 and 11 Diane Road.

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 notice of public hearings for a Conditional Use Permit (CUP) for two six plex apartment buildings. A CUP was previously approved for this property back in 2017 but that permit has subsequently expired. The proposed application is essentially the same as previously approved.

If you have questions 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 May 6, 2022 or by email: staalandb@cityofcolumbiafalls.com. Written or emailed comments 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 HEARINGS

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, May 10, 2022 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 June 6, 2022 starting at 7:00 p.m. in the same location.

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A request by Big Sky Living, LLC for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result, there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed at 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County

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DATED this 18th day of April, 2022

Susan Nicosia
Susan Nicosia

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY

SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **DAILY INTER LAKE** A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT **NO. 28559**

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF APRIL 24, 2022

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

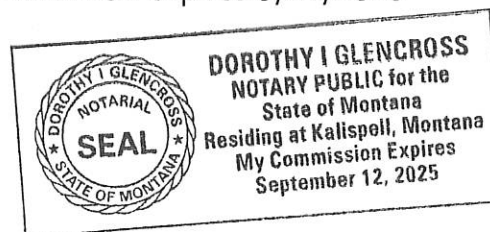
Mary Booth

Subscribed and sworn to
Before me this, April 24, 2022

Dorothy I. Glencross

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2025



CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

Item No.3.

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DATED this 18th day of April, 2022

Susan Nicosia

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

Publish: Daily Interlake Sunday April 24th, 2022

**ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
RHONDA HOON**

COLUMBIA FALLS PLANNING OFFICE STAFF REPORT CZC#22-01
April 27, 2022

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CR-5 (Two Family Residential) to CR-3 (One Family Residential) within the Columbia Falls Zoning Jurisdiction. The zone change request is scheduled for a public hearing before the Planning Board on Tuesday, May 10, 2022, at 6:30 P.M. A subsequent hearing will be held by the Columbia Falls City Council June 6, 2022 at 7:00 P.M.

BACKGROUND INFORMATION

A. PETITIONERS

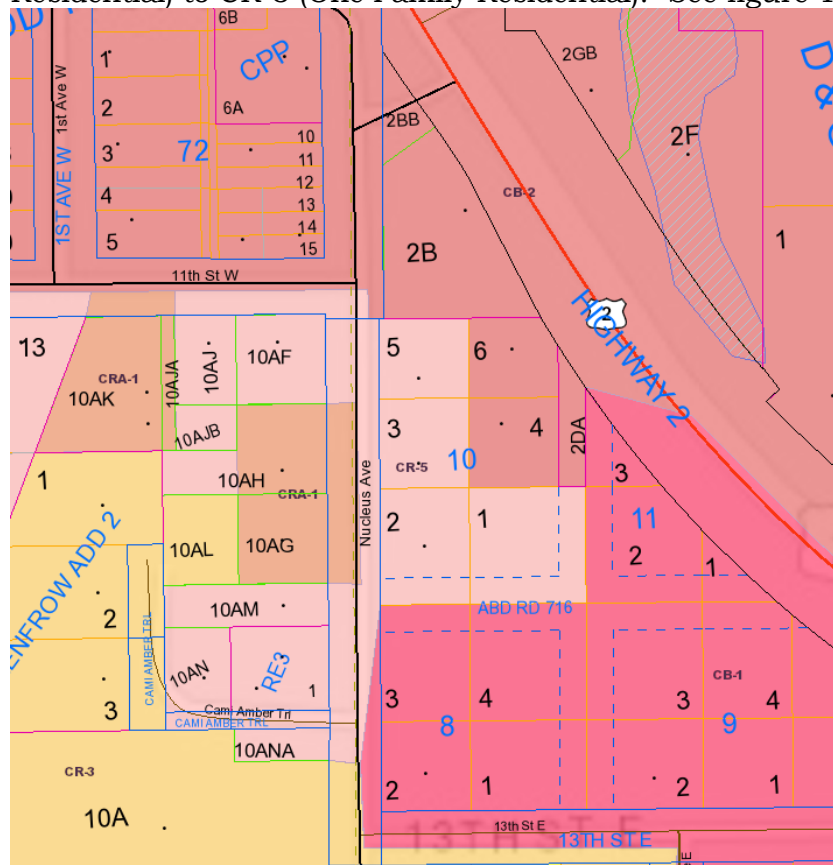
Rhonda Hoon
P.O. Box 1985
Columbia Falls, MT 59912

B. LOCATION/DESCRIPTION

The property is located at 1115 Nucleus Avenue in Columbia Falls and is 10,000 square feet in size. The properties are described as Lot 3, Block 10 of Nucleus Addition, in Section 17, T30N, R20W, P.M.M, Flathead County.

C. REQUEST

The request would amend the zoning on properties from CR-5 (Two Family Residential) to CR-3 (One Family Residential). See figure 1 for current zoning.



D. REASON FOR REQUEST

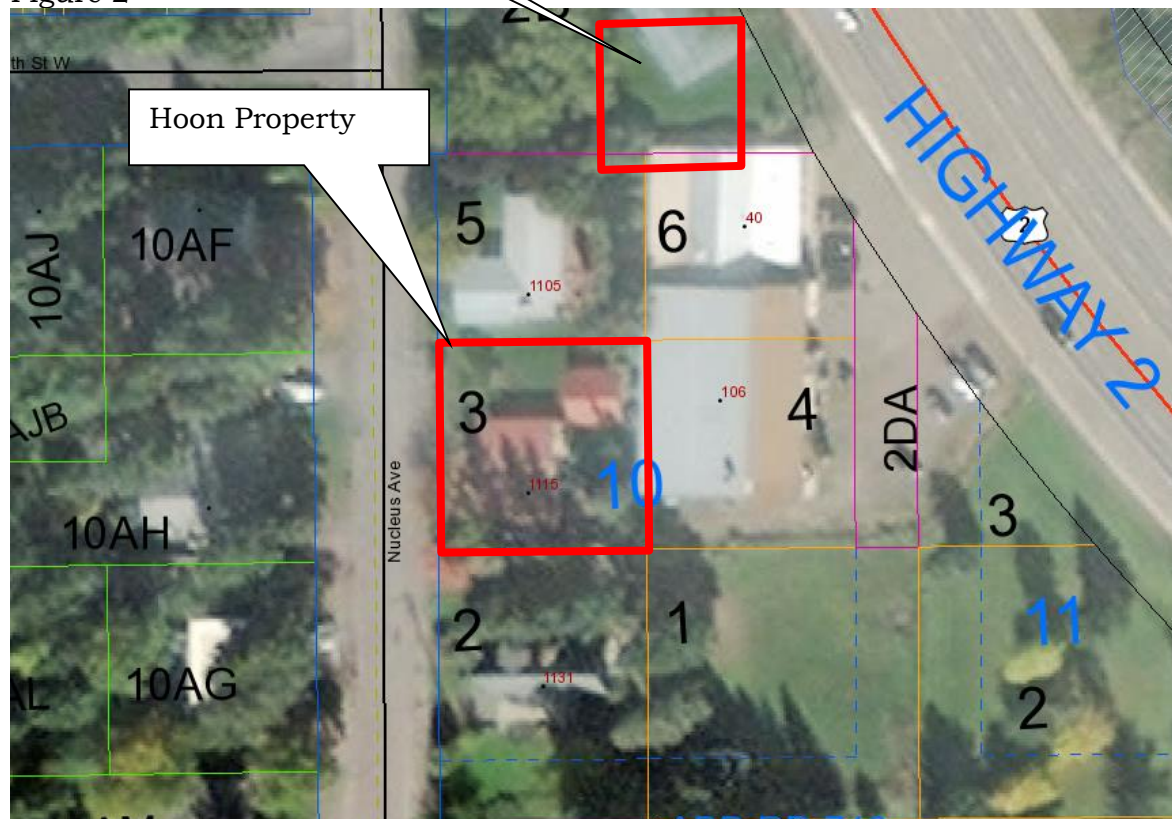
The reason for the request is that the property owner wants to convert the existing garage on the property to an accessory dwelling unit. The existing garage meets the accessory setbacks but not the primary use setback. So even though the existing zoning would allow a second dwelling, the owner could not convert the garage to an ADU without moving the structure to meet setbacks. The proposed CR-3 allows the ADU provided it meets the standards and accessory unit setbacks which are five feet from the side and rear property lines.

Hoon
Property

E. EXISTING LAND USE

The property currently has a house with an attached carport and a garage structure.

Figure 2



Source: Flathead County GIS



F. ADJACENT ZONING AND LAND USE:

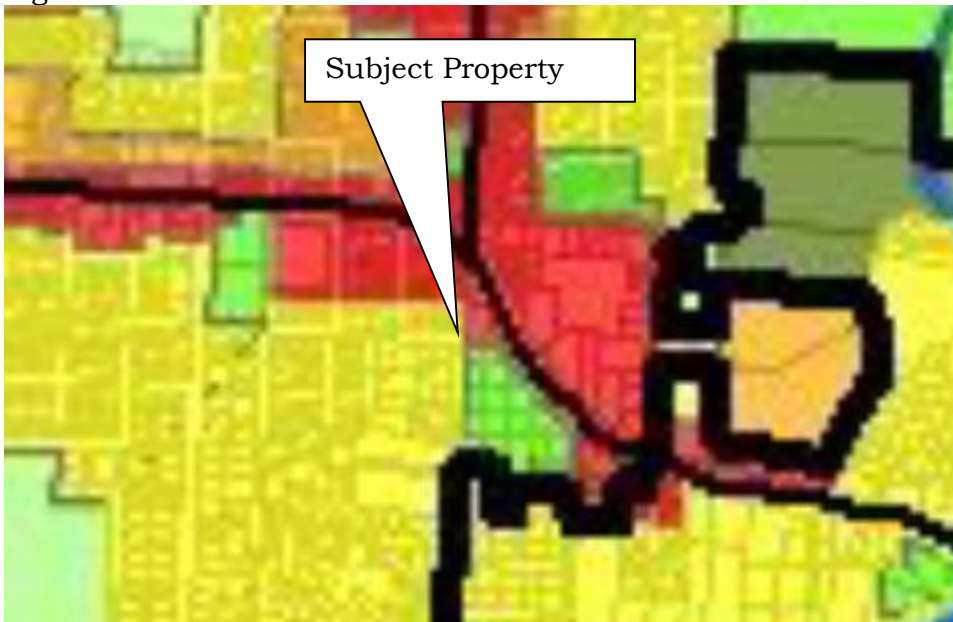
Figure 1 shows the existing zoning and use.

Direction from Site	Current Zoning	Current Use
North	CR-5 and CB2	Residential and Antiques/Gift Store
South	CRA-1, CR-5 and R-3	Single Family and Two Family Residential Use
West	CR-5 and CB-1	Single Family Residential Uses and City Park
East	CB-2	Cabinet Shop and City Park

G. GROWTH POLICY DESIGNATION

The Columbia Falls Growth Policy Map designates the subject property for Urban Residential use (Figure 3). Both existing and proposed zoning comply with the map and text of the Growth Policy.

Figure 3



Excerpt from the 2019 Columbia Falls Growth Policy Map

Land Use Map Legend		
	Commercial	General, highway and neighborhood retail sales, services or mixed office use.
	ResortRes Com	Within the confines of an overall development plan, provides recreation opportunities (principally to residents and guests), commercial uses (associated directly with recreation), and a mixture of housing types and densities.
	HeavyIndustrial	Manufacturing, processing, storage and assembly of goods, where noise, odor, dust and associated impacts extend beyond the confines of a building or screened area.
	LightIndustrial	Wholesale and industrial uses where noise, odor, dust and associated impacts are confined to a building or screened area.
	MultiFamily	8 or more units/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 non-residential uses.
	UrbanResidential	Between 2 and 8 units/acre. Primarily single family residential with limited quantities of multifamily units. Fully served by urban services.
	SuburbanResidential	2 units/acre or less. Primarily single family residential in a quasi-rural setting. Some urban services available.
	RuralPreserve	A rural area, predominately used for corporate and public lands, estate housing, and protective buffer for industry. Outside the immediate needs of urban development and having limited urban services. Residential use closely associated with highly developed access and low fire hazards.
	PublicSemipub	Schools, government offices or facilities, and cemeteries.
	ParkOpen space	City and County parks, homeowner parks and green space areas, recreation access points.

Legend for Growth Policy Map

H. UTILITIES/SERVICES

The property is within the City limits of Columbia Falls.

Water

Sewer

Fire Protection

Police Protection

Electricity

The property is served by City water.

The property is served by City Sewer

Columbia Falls Fire Department

Columbia Falls Police Department

Flathead Electric Co-op.

EVALUATION BASED ON STATUTORY CRITERIA

Item No.3.

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. The following findings are made:

- 1. Does the requested zone comply with the Growth Policy?**
The Columbia Falls Growth Policy Map designates the subject property for Urban Residential. The proposed CR-3 (One Family Residential) zone change complies with the Growth Policy. (Figure 3).
- 2. Is the requested zone designed to lessen congestion in the streets?**
Changing the zone from CR-5 which allows two dwellings per lot to the proposed CR-3 which allows one dwelling and one accessory dwelling on the lot does not change the density of congestion associated with the proposed use. There is no increase in congestion.
- 3. Will the requested zone secure safety from fire, panic, and other dangers?**
The property is located in the City Limits of Columbia Falls and is serviced by the Columbia Falls Police and Fire departments. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J). The proposed zoning does not change the potential use of this property.
- 4. Will the requested change promote the health and general welfare?**
The request changes the zoning from one urban residential designation to a slightly different urban residential zoning designation. The proposed use is consistent with the neighboring residential uses and the property is served by all City utilities and infrastructure. The zone change does promote health and general welfare.
- 5. Will the requested zone provide for adequate light and air?**
CR-5 Setbacks are as follows: 20-feet in the front, 5-feet on the side, 20 feet in the rear yard. Accessory Dwellings are not allowed.
CR-3 Setbacks are as follows: 25-feet in the front, 5-feet on the side, 20 feet in the rear yard. Accessory Dwelling Unit setbacks are 25-feet front and 5-feet in the side and rear.
The proposed zoning will provide very similar setbacks and the existing zone and the same setbacks as some of the neighboring zoning.
- 6. Will the requested zone prevent the overcrowding of land?**
The existing CR-5 zoning allows two dwelling units per lot of record. The proposed CR-3 zoning allows a dwelling and an accessory dwelling and the accessory dwelling is limited to 800 square feet. Both the existing and proposed zoning allow a maximum of two dwellings but the proposed zone limits the second dwelling to a small unit. The proposed zone change will not overcrowd the land.
- 7. Will the requested zone avoid undue concentration of people?**
The existing CR-5 zoning allows two dwelling units per lot of record. The proposed CR-3 zoning allows a dwelling and an accessory dwelling and the accessory dwelling is limited to 800 square feet. The existing zone might allow a slightly higher concentration of people than the proposed zoning but in the Urban confines of Columbia Falls urban densities are anticipated and encouraged.
- 8. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?**

The property is served by City Streets, Columbia Falls Sewer and Water, Columbia Falls school District, along with City Parks. The change in zoning will not impact these serves and the zoning will not increase the potential density of the property.

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

The property is already developed with a house and detached garage. The purpose of the zone change is to allow the property owner to convert the garage into an accessory dwelling unit. Within the neighborhood there are property with two dwellings and properties with homes and ADU's. The proposed zone change will not change the outward appearance of the property.

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

The surrounding neighborhood is a mix of single family homes, properties with two dwellings and properties with single family homes and ADU's. The proposed change is in character with the neighborhood.

11. Will the new zoning affect property values?

The proposed zone change does not change the density of the property. The proposed zoning will not change the use of the property. The proposed zoning matches zoning in the neighborhood. The zoning will continue preserve neighboring property values.

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

The proposed zoning is in compliance with the Growth Policy designation and the proposed zoning is residential which is the same as the existing zoning. Zoning was never intended to create monotonous neighborhoods. The proposed zoning allows the property owner to create an ADU on the property and this is a land use pattern that is encouraged in the City of Columbia Falls.

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.

RECOMMENDATION

Staff recommends that the Columbia Falls City-County Planning Board and Zoning Commission adopt Columbia Falls Planning Office Staff Report #CZC-22-01 as findings of fact and recommend approval of the requested zone change to the City Council.

Exhibit A

Item No.3.

Legal Description

Lot 3, Block 10 of Nucleus Addition, in Section 17, T30N, R20W, P.M.M, Flathead County.



Planning Department

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

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.3.

PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED \$ 1275.00

Zone Change Base Fee \$1000- 1250.00
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

PAID

APR 01 2022

CITY OF COLUMBIA FALLS

NAME OF APPLICANT: Rhonda Hoon

MAIL ADDRESS: PO Box 1985

CITY/STATE/ZIP: COLUMBIA FALLS, MT 59912 PHONE: 406-897-3208

INTEREST IN PROPERTY: OWNER

PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 1115 NUCLEUS AVE.
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number
(Section, Township, Range)
LOT 3, BLK 3, SEC 17, T30N, R20W
- (Attach sheet for metes and bounds)
- C. Land in zone change (ac)
- D. The present zoning of the above property is: CR-5
- E. The proposed zoning of the above property is: CR-3
- F. State the changed or changing conditions that make the proposed amendment necessary:

To allow for the accessory building to be used as an apartment so that the accessory apartment meets the setback standard for accessory structures

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

A. Promoting the Growth Policy

GROWTH POLICY DESIGNATES THE PROPERTY
AS URBAN RESIDENT + PROPOSED CR-3
COMPLIES W/ URBAN RESIDENTIAL DESIGNATION

B. Lessening congestion in the streets and providing safe access

The zone change won't increase the density
therefore it won't increase congestion

C. Promoting safety from fire, panic and other dangers

Not in flood plain, within city limits
City fire & police serve property so this is
not going to change

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

Not ~~CHANGING~~ changing any of the density
so this does not apply

E. Preventing the overcrowding of land

Not changing any of the density so this does
not apply

F. Avoiding undue concentration of population

Not changing any of the density so this does
not apply

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

S. Nucleus city street, existing house &
~~structure~~ proposed apartment will access
city street

H. Giving reasonable consideration to the character of the district

This is in a single family residential district primarily & that is what I am proposing

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

Single residential use with access apartment is no different than any other single lot in the neighborhood

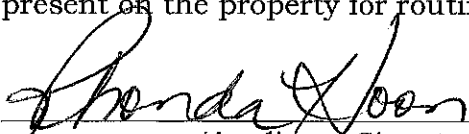
J. Protecting and conserving the value of buildings

Yes, I am preserving the value of the neighborhood by developing a residential use

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

This is ^{preserving} most appropriate use as a single residential use

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



(Applicant Signature)

4/1/22

(Date)

APPLICATION PROCESS

Item No.3.

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

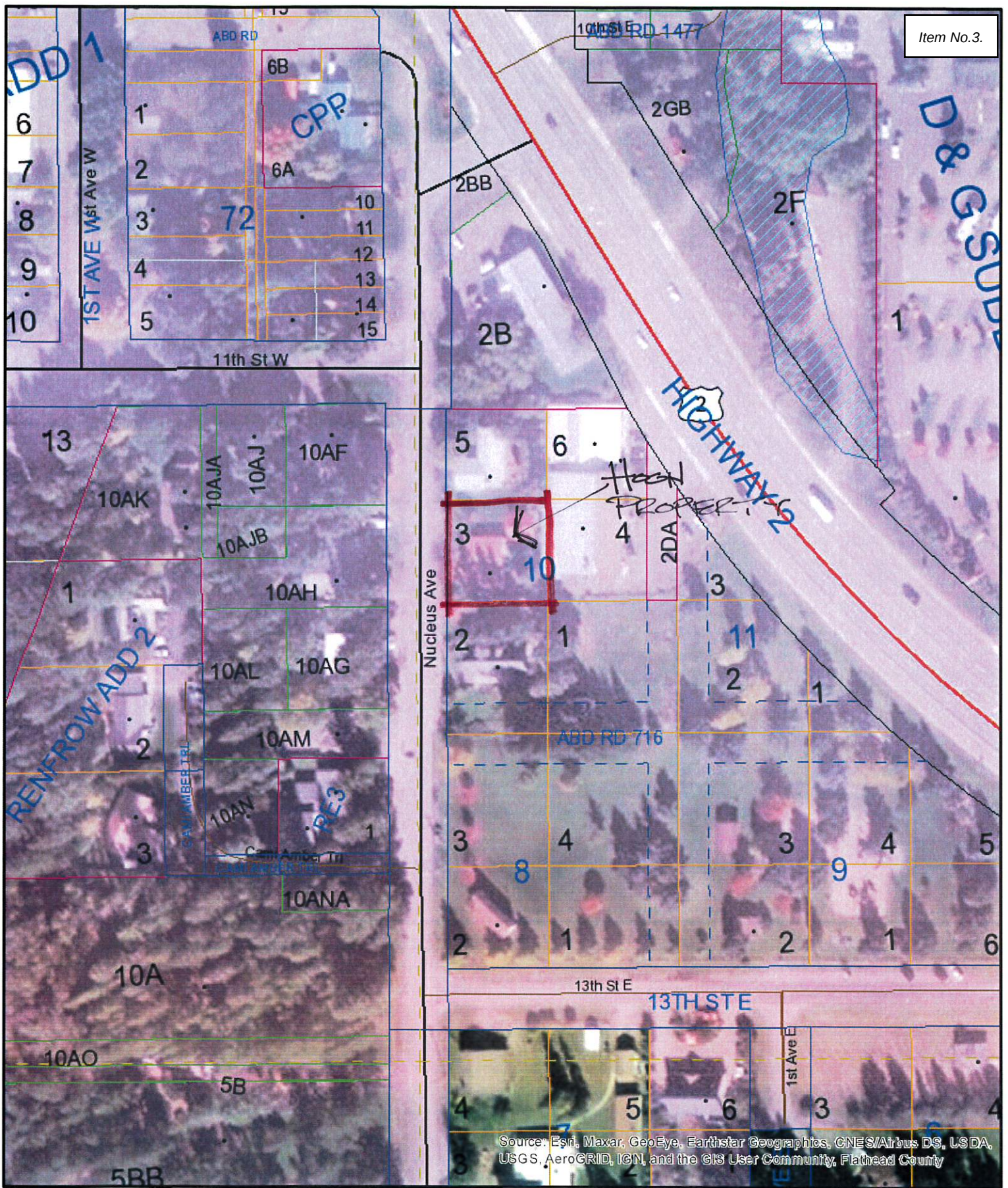
A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

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.



Flathead County GIS Department

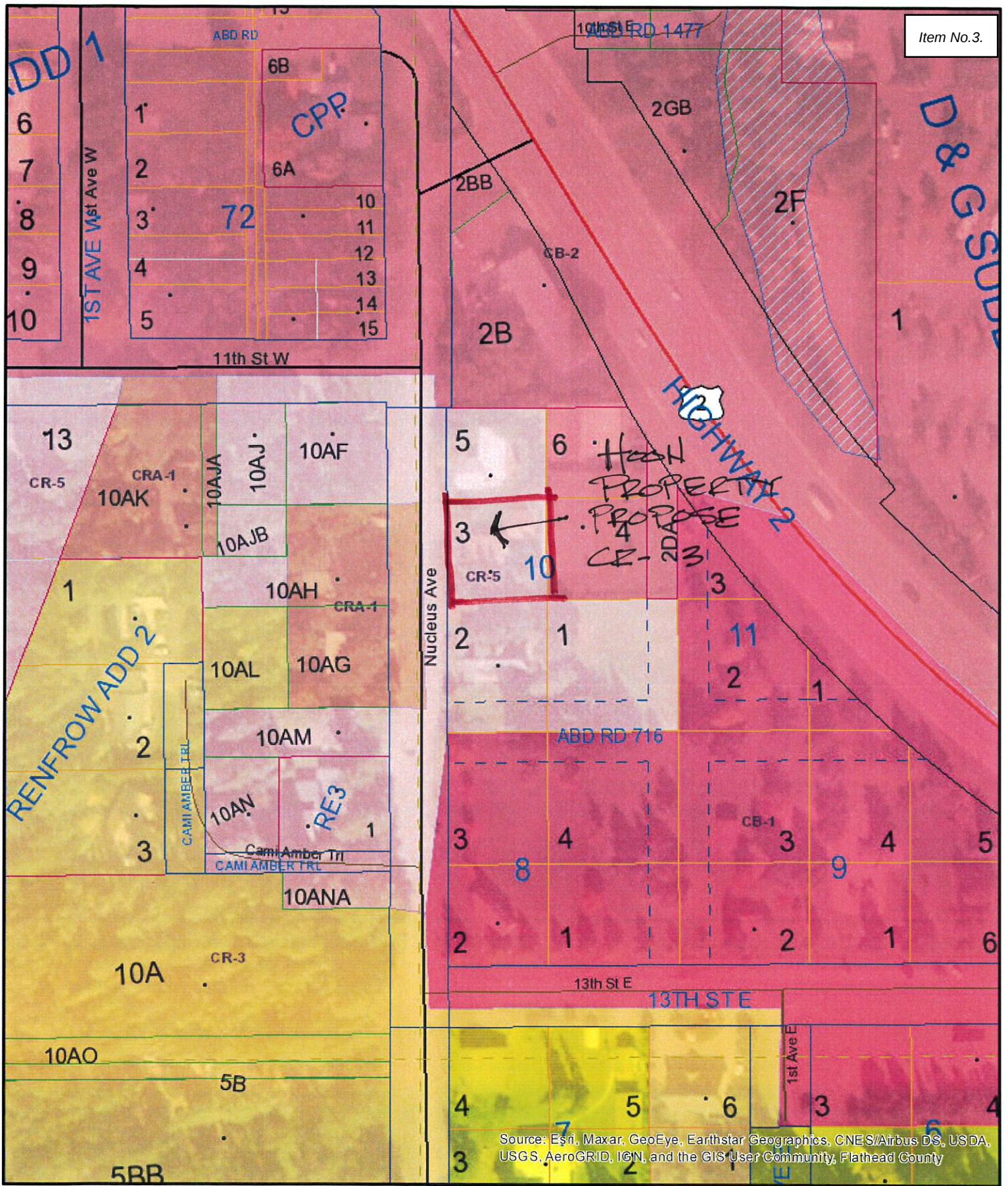


800 South Main Street
Kalispell, Montana 59901

0 0.01 0.02 0.04 0.06 0.08 mi



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



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Flathead County

Flathead County GIS Department



800 South Main Street
Kalispell, Montana 59901

0 0.01 0.02 0.04 0.06 0.08 mi



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Confirmation Number: 9092161

Montana

City of Columbia Falls

Utility



Item No.3.

Transaction Details

Account Number

ZONING AMENDMENT

Name

RHONDA HOON

Service Address

1115 NUCLEUS AVE

Credit Card Payment Address Information

Order Number **9092161**

Customer Name **RHONDA HOON**

Email Address

Address **PO BOX 1985
COLUMBIA FALLS, MT 59912**

Phone Number **(406) 897-3208**

Credit Card Number **5XXX XXXX XXXX 5392**

Credit Card Type **MasterCard**

Expiration Date **0823**

Operator Name

Transaction Time **4/1/2022 5:59:31 PM**

Authorization Code **44737W**

Convenience Fee
Authorization Code **44112W**

Transaction ID **2034419925**

Purchase Type **sale**

Agency Total **1275.00**

Convenience Fee **\$38.25**

Total Amount **1313.25**

Charged to Card

ONE OR BOTH CHARGES WILL APPEAR AS PAYGOV.US ON YOUR CARD STATEMENT.

For questions about this payment, please call (866) 480-8552.

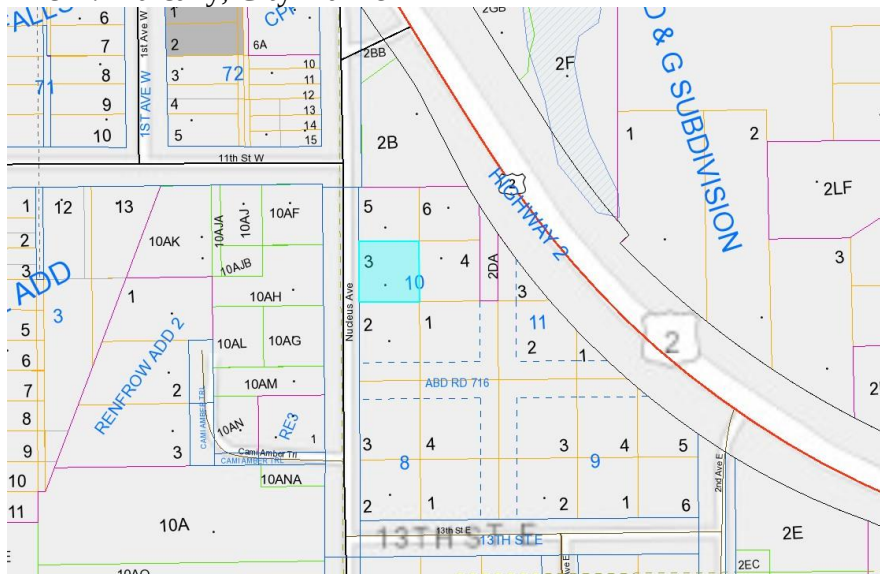
PayGov, LLC

5144 E. Stop 11 Rd. Indianapolis, IN 46237

<http://paygov.us>

Disputing a charge with your credit card company may result in an additional \$40.00 charge.

Item No.3.



CITY OF COLUMBIA FALLS

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The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, May 10, 2022 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 June 6, 2022 starting at 7:00 p.m. in the same location.

Request A Conditional Use Permit to construct two six-plex apartments in the Columbia Falls Zoning Jurisdiction:

A request by Big Sky Living, LLC for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result, there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed at 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

Request to change the zoning from CR-5 (Two-Family Residential) to CR-3 (One-Family Residential) in the Columbia Falls Zoning Jurisdiction:

The applicant, Rhonda Hoon, is requesting a zone change at 1115 Nucleus Avenue in the Columbia Falls area from the current CR-5 (Two-Family Residential) to a CR-3 (One-Family Residential) designation. The property currently has a house and a detached garage on the property. The applicant would like to convert the garage to an accessory dwelling. The property is described as Lot 3, Block 8 of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County. Interested persons are allowed to attend the hearing(s) in person or via ZOOM. 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, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed Conditional Use Permit or Zone Change, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481. To obtain the ZOOM meeting registration, contact City Clerk Barb Staaland via email or by calling (406) 892-4391 no later than 5:30 p.m. the day of the meeting.

DATED this 18th day of April, 2022

Susan Nicosia
Susan Nicosia

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY

SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **DAILY INTER LAKE** A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT **NO. 28559**

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF APRIL 24, 2022

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

Mary Booth

Subscribed and sworn to
Before me this, April 24, 2022

Dorothy I. Glencross

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2025

