



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

PHONE (406) 892-4391
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AGENDA
PLANNING BOARD AND ZONING COMMISSION REGULAR MEETING
TUESDAY, OCTOBER 12, 2021 BEGINNING AT 6:30 PM
COUNCIL CHAMBERS CITY HALL

NOTE: The Planning Board meeting will be held in the Council Chambers as well as by virtual meeting to provide access as well as public health. Please contact City Clerk Barb Staalnd no later than 6 pm the night of the meeting to register for ZOOM meeting access information by calling (406) 892-4391 or email: staalandb@cityofcolumbiafalls.com

CALL TO ORDER AND ROLL CALL

1. Approval of September 14, 2021 Regular Meeting Minutes

APPROVAL OF MINUTES:

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

PUBLIC HEARINGS AND ACTION:

2. **Zoning Regulations Text Amendments and Overlay Zoning:**

The City proposes to incorporate text amendments to the Columbia Falls Area Zoning Ordinance, Municipal Code Title 18 in regards to adding the definitions and statutory provisions applicable to the regulation of recreational marijuana. The Planning Board and City Council may also consider the implementation of a map amendment with an appropriate overlay zone also related to these provisions.

The Planning Board and City Council will also review Title 17 Subdivision Regulations and Title 18 Zoning Regulations for any required text amendments related to updated statutory regulations in place after the 2021 legislative session.

- A. Adopt Staff Report CZTA-21-01 as Findings of Fact
- B. Recommend Approval of Text Amendments and Overlay to City Council

Persons may testify at the hearing or submit written comments prior to the meeting. Written comment may be sent to Columbia Falls City Hall, Attention: Barb Staalnd, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

ADJOURNMENT

Next Regular Planning Board Meeting – TBD

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 14, 2021**

CALL TO ORDER AND ROLL CALL

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

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

Board member Smith presided over the meeting as Chairman Vukonich was absent and Vice Chairman Shepard attended via Zoom.

Acting Chairman Smith called the meeting to order at 6:33 p.m.

APPROVAL OF JULY 13, 2021 REGULAR MEETING MINUTES:

Motion made by Nelson to Approve the July 13, 2021 Minutes, Seconded by Shepard. Voting Yea: Shepard, Nelson, Smith, Singer, Lundgren

VISITOR OR PUBLIC COMMENT: None.

PUBLIC HEARINGS AND ACTION:

Acting Chairman Smith read the notice of hearing and asked for the staff report presentation for a Conditional Use Permit for a Temporary Office/Caretaker Unit:

Cedar Creek Industrial Park, LLC, is requesting a Conditional Use Permit to place a pre-fabricated Office/Caretakers unit within the existing industrial park. The property is located in the industrial park at 555 4th Avenue EN in Columbia Falls. The property is zoned CI-2 (Heavy Industrial) in the Columbia Falls Zoning Jurisdiction and the zoning regulations require a conditional use permit for the caretaker's facilities. The property is described as Parcel 3A of COS 21302 (Assessor's Tract 1C), in Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Manager/Zoning Administrator Nicosia presented Staff report CCU-21-03 reviewing each of the Findings of Fact and Conditions. Nicosia reported that zoning code requires a CUP for a caretaker unit in the heavy industrial (CI-2) zone. The CUP process guarantees the residential use is compatible with the primary industrial use. The caretaker unit meets zoning regulations and Growth Policy uses. This residential use will provide housing for an employee that will act as a watchman for the industrial yard. This will deter crime. It is a one-bedroom unit and a family is not anticipated to occupy it. Nicosia reviewed the caretaker/watchmen unit regulations in the zoning code, noting that the application complied with each of the requirements.

There was no written or verbal public comment received.

CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 14, 2021

Acting Chairman Smith asked the Board if they have any questions for staff. Singer asked if paved parking was required in the industrial zones. Nicosia replied that it is required for the caretaker unit. A review of the site plan followed the paving discussion. Nicosia advised the Board that they could add a condition with the parking requirement if they felt it was necessary. The applicant, Scott Bye, stated that he could pave east of the office as this was closer to the caretaker unit. The Board decided that since the zoning code, paved parking did not need to be a condition.

Motion made by Singer to approve Staff Report CCU--21-03 as Findings of Fact, Seconded by Shepard. Voting Yea: Shepard, Nelson, Singer, Smith, and Lundgren.

Motion made by Nelson to approve recommend approval of the Conditional Use Permit with 6 Conditions to City Council, Seconded by Singer. Voting Yea: Shepard, Nelson, Singer, Smith, and Lundgren.

Acting Chairman Smith read the notice of hearing for a Conditional Use Request for a Six-Plex Apartment Building:

Adam Gardner is requesting a conditional use permit to construct a six-plex apartment building at 10 Diane Road in Columbia Falls. The property is zoned CRA-1 (Residential Apartment) and the zoning code requires a CUP to review parking, street improvements, parkland dedication and the like. A CUP was approved on this site in 2019 but expired before the apartments were developed. The property is described as Lot 178 of Hilltop Homes, Section 18, T30N, R20W, P.M.M., Flathead County

City Manager/Zoning Administrator Nicosia presented Staff report CCU-21-04 reviewing each of the Findings of Fact and Conditions. Nicosia noted the project had previously been approved but never built. The current applicant is utilizing a similar site and building plan, having only altered the roof line. The proposed 6-plex will look like the rest of the multi-family units on the street. Based on the calculation, the report anticipates an impact of two students, with the school district indicating there is no impact to the schools and it has a walkable route via the Talbot Rd bike path. The applicant will contribute \$1,000 to Horine Park. Nicosia reviewed the site plan, noting each unit will have an individual roll out trash can as there is not room for an enclosed, communal one. Nicosia reported that the building will be reviewed for compliance with the small building standards. This project meets zoning, the Growth Policy, and the Talbot Neighborhood Plan and staff recommends approval.

There was no written or verbal public comment.

Motion made by Singer to approve Staff Report CCU--21-04 as Findings of Fact, Seconded by Lundgren. Voting Yea: Shepard, Nelson, Singer, Smith, and Lundgren.

Motion made by Shepard to approve recommend approval of the Conditional Use Permit with 12 Conditions to City Council, Seconded by Singer. Voting Yea: Shepard, Nelson, Singer, Smith, and Lundgren.

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 14, 2021**

Nicosia discussed the schedule for the Transportation Plan meetings on September 27th, encouraging all Planning Board members to attend. She noted that the Transportation Plan will be a useful tool when reviewing development requests but it will not be adopted as part of the Growth Policy.

ADJOURNMENT

Motion made by Nelson to adjourn at 7:13 PM.

Acting Chairman

Attest:

Alex Vissotzky, Public Works Clerk

NOTICE OF PUBLIC HEARINGS
CITY OF COLUMBIA FALLS

The Columbia Falls City-County Planning Board will hold their regular meeting on Tuesday, October 12, 2021 at 6:30 p.m. The Planning Board will hold a public hearing for the following items and forward recommendations to the Columbia Falls City Council. The Columbia Falls City Council will also hold a public hearing on these items at their regular meeting of Monday, October 18, 2021 beginning at 7 p.m. Both meetings will be held in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana.

ZONING REGULATIONS TEXT AMENDMENTS: The City proposes to incorporate text amendments to the Columbia Falls Area Zoning Ordinance, Municipal Code Title 18 in regards to adding the definitions and statutory provisions applicable to the regulation of recreational marijuana. The Planning Board and City Council may also consider the implementation of a map amendment with an appropriate overlay zone also related to these provisions.

The Planning Board and City Council will also review Title 17 Subdivision Regulations and Title 18 Zoning Regulations for any required text amendments related to updated statutory regulations in place after the 2021 legislative session.

Persons may testify at the hearing or submit written comments prior to the hearings. For more information contact Susan Nicosia, City Manager, at 892-4384 or email: nicosias@cityofcolumbiafalls.com.

DATED this 22nd day of September, 2021.

Susan M. Nicosia, City Manager/ Planning & Zoning Administrator

Publish: Daily Interlake: Sunday, September 26th and Sunday October 3rd

**ZONE TEXT AMENDMENT REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT #CZTA-21-01
OCTOBER 1, 2021**

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 text of the Columbia Falls Zoning Ordinance and amend the Columbia Falls Growth Policy Map. The City proposes the establishment of a new Adult Use Marijuana Business zoning overlay within the CB-2 zoning designation and the addition of Adult Use Marijuana Business as a permitted use within the resulting Adult Use Marijuana Business overlay. The zoning text and map amendments request is scheduled for hearing before the Planning Board on October 12, 2021 at 6:30 pm. The City Council meeting is scheduled for October 18, 2021, at 7:00 p.m.

A. PETITIONERS

City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

B. PETITIONER'S TECHNICAL ASSISTANCE

Columbia Falls Planning Staff
130 6th Street West
Columbia Falls, MT 59901

D. REQUEST

The request is to add 'Marijuana Dispensary' as a permitted use in the CB-2 General Business zoning district with a Marijuana Business overlay, add Marijuana cultivation and manufacturing to the CI-1 and CI-2 zones, add Marijuana cultivation to the CSAG-10 zoning districts and add definitions for Marijuana, Marijuana cultivation, Marijuana dispensary and Marijuana manufacturing within the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The overlay area will be located with Meadow Lake Boulevard on the west, O'Neil Way on the south, the Burlington Northern Sante Fe railway tracks on the east and a distance of between approximately 455 feet to approximately 270 feet from Highway 2 on the north (See Figures 1 and 2 below). The total acreage proposed for the overlay is approximately 45 acres.

Figure 1: Proposed Marijuana Business overlay outlined in white.

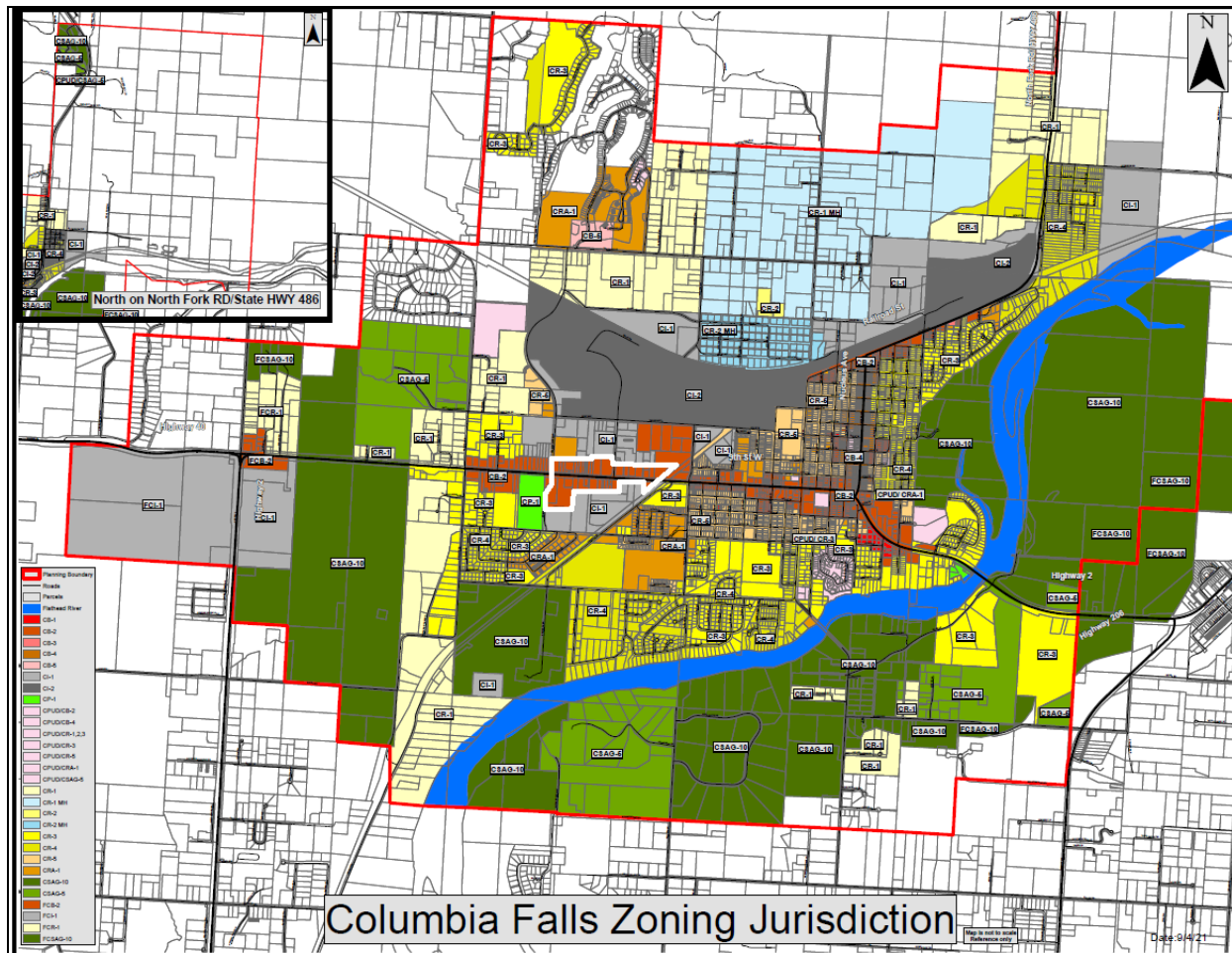
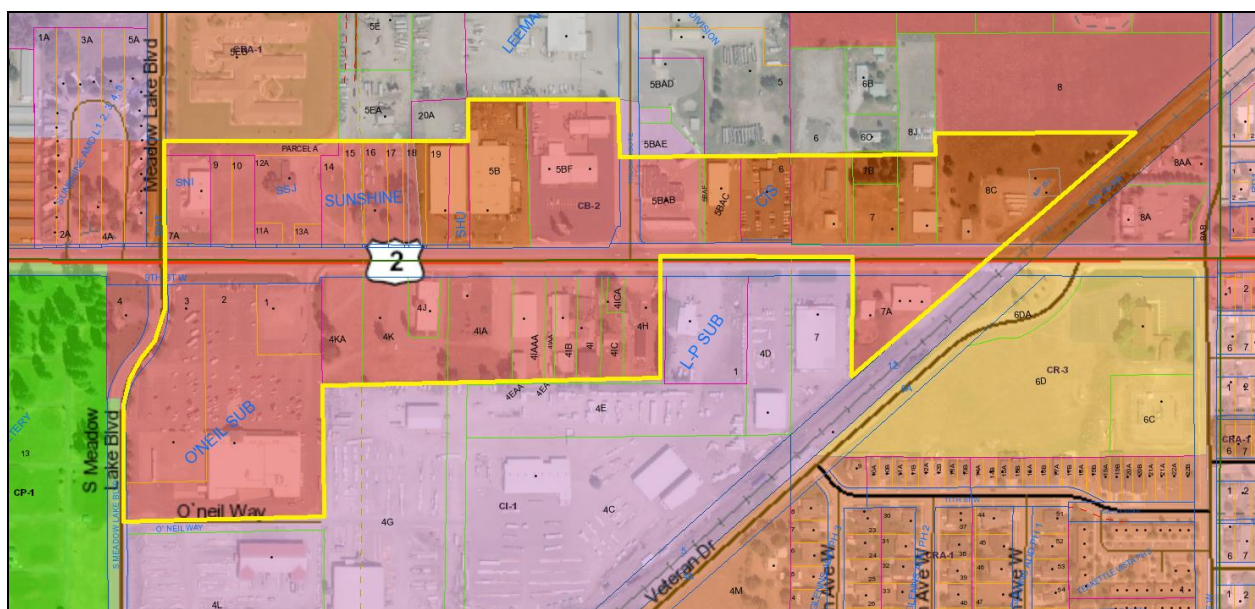


Figure 2: Proposed Marijuana Business overlay outlined in yellow.



Deletions are shown with ~~strikethroughs~~ and additions are show with underlines and *italics*.

Changes proposed by City Staff are addressed and highlighted below.

Chapter 18.336 CB-2 GENERAL BUSINESS

18.336.010 Definition

A business district to provide for a wide range of commercial activities including offices, retail sales and services, shopping malls, and businesses that serve the needs of the traveling public and tourists.

18.336.020 Permitted Uses

1. Accessory building or use;
2. Assembly halls, coliseums, stadiums;
3. Automobile sales (new and used) and accessory sales;
4. Automobile parking, commercial enterprise;
5. Automobile parking, in conjunction with permitted uses;
6. Automobile service station;
7. Banks and other financial institutions;
8. Boat sales, new and used;
9. Car wash, automatic coin-operated;
10. Car washing and waxing, enclosed;
11. Clinic, medical and dental;
12. Clubs and other places of entertainment operated as commercial enterprises;
13. Colleges, business schools, trade schools, music conservatories, dance schools; provided that no students reside on campus;
14. Commercial recreation area;
15. Drug stores;
16. Dwelling, single-family;
17. Food stores, supermarkets, delicatessens;
18. Hotel, motel;
19. Laundromat, self-service coin-operated;
20. Laundry pick-up station;
21. Libraries, museums, and art galleries;
22. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
23. Lumber yards, building materials; storage and sales;
- 24. Marijuana dispensary within a Marijuana Business overlay**
25. Nursery, landscaping materials;
26. Office; professional, public and private;
27. Parks;
28. Pet shops, bird stores, taxidermists;
29. Pharmacy;
30. Public transportation shelter stations;
31. Public utility service installations;
32. Quasi-public buildings, nonprofit;
33. Recreational vehicle park;

- 34. Restaurants, except drive-ins;
- 35. Retail sales and service;
- 36. Shopping malls;
- 37. Storage, within the building, of goods intended for retail sales on premises;
- 38. Taverns;
- 39. Taxi stands;
- 40. Theaters, housed in permanent indoor structures;
- 41. Micro-Brewery, Brew Pub and Mini Brewery;
- 42. Vacation Rental.

Chapter 18.342 CI-1 LIGHT INDUSTRIAL

18.342.010 Definition

An industrial district to provide areas for light industrial uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented.

18.342.020 Permitted Uses

The permitted uses in the CI-1 district are as follows:

- 1. Accessory building or use;
- 2. Automobile and boat sales and service;
- 3. Automobile service station;
- 4. Building supply outlets;
- 5. Contractors yards;
- 6. Heavy equipment sales, rental, and service;
- 7. Manufacturing, fabricating, processing, repairing, packing, or storage facilities provided that such uses do not produce objectionable by-products (dirt, noise, glare, heat, odors, smoke, etc.) beyond the lot lines and that the uses do not involve materials that are explosive, hazardous, or toxic;
- 8. *Marijuana cultivation and manufacturing*
- 9. Nurseries and landscape materials, wholesale and retail;
- 10. Parcel delivery services;
- 11. Parks;
- 12. Research laboratories and institutions;
- 13. Tire sales, recapping and retreading.

Chapter 18.344 CI-2 HEAVY INDUSTRIAL

18.344.010 Definition

An industrial district to provide for uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or material. It is also intended that the encroachment of non-industrial uses within the district be prevented.

18.344.020 Permitted Uses

The permitted uses in the CI-2 district are as follows:

- 1. Accessory building or use;
- 2. Contractors yards;
- 3. Manufacturing, fabricating, processing, repairing, packing, or storage facilities;

4. Marijuana cultivation and manufacturing
5. Parcel delivery services;
6. Parks;
7. Petroleum products, wholesale and retail;
8. Railroad yards.

Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE

18.318.010 Definition

A district to protect and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized.

18.318.020 Permitted Uses

The permitted uses in the CSAG-10 district are as follows:

1. Accessory building or use;
2. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
3. Class A manufactured homes;
4. Dairy farm;
5. Dairy products processing, bottling, and distribution;
6. Dwelling, single-family;
7. Guest house;
8. Home Occupations (see Special Provisions);
9. Marijuana cultivation
10. Nursery, landscaping materials;
11. Parks;
12. Produce stands;
13. Public transportation shelter stations;
14. Public utility service installations;
15. Riding academy, rodeo arena;
16. Stables, public and private.

18.447 Marijuana Dispensaries

- A. *The city council may amend the zoning jurisdiction regulations and create within the CB-2 district a specific geographic area defined as marijuana business overlay zone.*
- B. *A marijuana dispensary may only be located within a CB-2 district in a location specifically designated marijuana business overlay zone on the official zoning jurisdiction map and in compliance with Montana Code Annotated (MCA) restrictions. The dispensary use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the dispensary premises.*

18.626.DEFINITIONS -M

18.626.040 Marijuana

"Marijuana "means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. It does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to provide topical or oral administrations, food, drink, or other products. The term also does not include a drug approved by the United States Food and Drug Administration pursuant to Section 505 of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. 301, et seq.

18-626-050 Marijuana cultivation

"Marijuana cultivation" means a use operated by a person licensed by the State of Montana to (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary. The use and placement of marijuana cultivation must be in compliance with Montana Code Annotated (MCA). The use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the cultivation premises. A cultivator may not cultivate marijuana in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

18-626-060 Marijuana dispensary

"Marijuana dispensary" means a licensed premises from which a person licensed by the State of Montana may (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the State; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both. The location of a marijuana dispensary shall be located within CB-2/marijuana business zoning and shall be in compliance with Montana Code Annotated (MCA). The use may not be within 500 feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the dispensary premises.

18-626.070 Marijuana manufacturing

"Marijuana manufacturing" means a use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repackaging, label, or relabel marijuana products. The use of marijuana manufacturing must be in compliance with Montana Code Annotated (MCA). The use may not be within 500

feet of, and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the manufacturing premises. A manufacturer may not manufacture marijuana products in a manner that is visible from the street or other public area without the use of binoculars, aircraft, or other optical aids.

Renumber Accordingly

REASON FOR REQUEST

In the election of November 2021, a ballot initiative was approved by the voters to allow for adult use marijuana business within the State of Montana. Subsequently, the state legislature passed House Bill 701 providing the framework for marijuana regulation in Montana. The Montana Department of Revenue will also adopt administrative rules related to the marijuana industry, which are expected to be adopted this fall. Local jurisdictions are provided some latitude to adopt zoning regulations specifying appropriate zones and criteria for those facilities, but they must be provided for given the new legislation. The legislation will allow facilities to begin operating January 1, 2022 and the City needs zoning regulations in place prior to that date. It is important to note that the new marijuana statutes under the ballot initiative and House Bill 701 regulated the sale and use of marijuana and establish taxation and licensing programs to be administered by the state. Local land use regulations are to be focused on determining appropriate locations within the city for the operation of dispensaries, cultivation, and manufacturing by providing for those facilities within certain zones and pursuant to zoning criteria. As a result, staff is proposing an overlay in the CB-2 to limit the locations of dispensaries to appropriate locations, provide marijuana definitions for informed actions in the future and permit marijuana related cultivating, dispensing and manufacturing in appropriate established zoning designations.

EVALUATION BASED ON STATUTORY CRITERIA¹

1. Does the requested zone give consideration to the general policy and growth pattern set out in the Growth Policy?

Chapter 12 of the Columbia Falls Growth Policy addresses implementation strategies to further the adopted goals and policies of the document. Zoning is identified as a legal tool to regulate compatibility of use such as the transition between commercial and residential; density of development primarily using minimum lot sizes, bulk/dimensional standard to protect view sheds but also address signage, parking, landscaping, and floodplain.

Goals and policies of the city concerning commercial development which apply are to the additions to current zoning designations and the Growth Policy Map Amendment are;

- Balanced commercial development providing convenient access to a broad selection of goods and services.
- Design and locate development to protect public health and safety, ensure adequate provision of services; fit the character of its surroundings, and encourage the most appropriate use of land.

The proposed changes address recently adopted legislation concerning marijuana cultivating, dispensing and manufacturing at a state level and resulting local zoning requirements.

The proposed changes meet the intent of zoning as identified in the Columbia Falls Growth Policy and the Growth Policy Map will be amended accordingly if the proposed changes are adopted.

Finding #1: The proposed text and Growth Policy Map amendments appear to be supported by goals and policies of the Columbia Falls Growth Policy because they provide balanced commercial development located in areas to protect public health and safety.

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

The proposed amendments place marijuana businesses within approximately 45 acres of existing CB-2 zoning with the proposed overlay. The boundaries would cover Meadow Lake Boulevard on the west, O'Neil Way on the south, the Burlington Northern Sante Fe railway tracks on the east and a distance of between approximately 455 feet to approximately 270 feet from Highway 2 on the north. Any resulting increase in traffic would be seen on Highway 2 which is a four-lane state-maintained highway designed to handle commercial traffic.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zones, marijuana cultivation as a permitted use to the CSAG-10 zoning districts and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing would not increase or decrease congestion in the streets because CI-1 and CI-2 zones have been established in areas which take into account manufacturing traffic and the CSAG-10 zoning designation has been adopted in areas where agricultural uses are permitted. The definitions neither increase or decrease traffic congestion in the streets as their main purpose is to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #2: The proposed text and Growth Policy Map amendments appear to lessen congestion in the streets because any resulting traffic increase will utilize Highway 2 which is a state maintained four lane highway designed to handle high levels of traffic and associated marijuana activities will be permitted in zoning designations which allow for similar activities.

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

As the current zoning will still be in effect with the addition of one permitted use within the designated overlay, an increase in the risk of fire, panic or other dangers is not expected above what currently exists with the CB-2 zoning.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zones and marijuana cultivation as a permitted use to the CSAG-10 zoning districts will not alter established bulk and dimensional requirements of the respective zones which were designed to secure safety from fire, panic and other dangers.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing will not affect safety because their main purpose is to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

4. Will the requested change promote health, safety and general welfare of the public?

The proposed text and Growth Policy Map amendments will create a zoning overlay which will cover approximately 45 acres if approved and the addition of marijuana business as a permitted use within the overlay. The location of the overlay has been specifically placed to take into consideration the required buffering from schools, churches, parks and residential zones which helps ensure an appropriate separation from uses oriented more towards families and children. This placement will continue to promote the health and general welfare of the community and allow greater protection from potential negative impacts related to adult use marijuana business related uses.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zones and marijuana cultivation as a permitted use to the CSAG-10 zoning districts will not alter established bulk and dimensional requirements of the respective zones which were designed to promote health, safety and general welfare of the public.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities with the intent of promoting health, safety and general welfare.

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

The proposed text amendment and Growth Policy Map amendment does not change the setback or the maximum lot coverage requirements of the Columbia Falls Zoning Code for the existing CB-2, CI-1, CI-2 and CSAG-10 zoning designations.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #3: The proposed text and Growth Policy Map amendments will secure safety from fire, panic and other dangers, promote public health, safety and general welfare and provide for adequate light and air because the existing CB-2 CI-1, CI-2 and CSAG-10 zoning designation bulk and dimension requirements

remain unchanged with the addition of permitted uses and the Marijuana Business overlay.

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

The proposed amendments would allow for one additional permitted use of marijuana business within a Marijuana Business overlay covering approximately 45 acres of property zoned CB-2, if approved. As the zoning overlay will apply to property currently zoned CB-2, the CB-2 bulk and dimensional requirements would apply. The overlay and additional permitted use would not allow for an increase in density above what is currently allowed.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2 and marijuana cultivation as a permitted use to CSAG-10 will not alter the existing bulk and dimension requirements for the zoning designations.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

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

The proposed overlay and permitted use would apply to approximately 45 acres of property currently zoned CB-2. CB-2 is defined as *“A business district to provide for a wide range of commercial activities including offices, retail sales and services, shopping malls, and businesses that serve the needs of the traveling public and tourists.”* Since the overlay would not affect the development density of the properties as CB-2 zoning requirements apply and one additional business use, marijuana business, would be permitted, the proposed zoning overlay is not expected to result in an undue concentration of people.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2 and marijuana cultivation as a permitted use to CSAG-10 will not alter the existing bulk and dimension requirements for the zoning designations.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #4: The proposed text and Growth Policy Map amendments will prevent the overcrowding of land and undue concentration of people because the existing CB-2 zoning designation bulk and dimension requirements remain unchanged with the addition of one permitted use and the Marijuana Business overlay and the amendments to CI-1, CI-2 and CSAG-10 will not alter existing bulk and dimension requirements.

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

The proposed overlay and permitted use do not change the provisions for transportation, water, sewerage, schools, parks, or other public requirements as the underlying CB-2 zoning designation would be in effect.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2, marijuana cultivation as a permitted use to CSAG-10 and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing would not affect adequate provision of transportation, water, sewerage, schools, parks and other requirements because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #5: The proposed text and Growth Policy Map amendments will facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements because the existing CB-2 bulk and dimension requirements remain unchanged with the addition of one permitted use and the Marijuana Business overlay, existing CI-1 and CI-2 bulk and dimensional requirements remain unchanged with the addition of marijuana cultivation and manufacturing and CSAG-10 bulk and dimensional requirements remain unchanged with the addition of marijuana cultivation as permitted uses.

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

The subject properties zoned CB-2 located with Meadow Lake Boulevard on the west, O'Neil Way on the south, the Burlington Northern Santa Fe railway tracks on the east and a distance of between approximately 455 feet to approximately 270 feet from Highway 2 on the north are suitable for the proposed zoning overlay due to the commercial nature of the zoning designation, size of the proposed overlay, existing businesses in the area and the location along a four-lane state-maintained highway.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2, marijuana cultivation as a permitted use to CSAG-10 and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing give reasonable consideration to the suitability of property because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted.

Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #6: The proposed text and Growth Policy Map amendments give reasonable consideration to the suitability of the property and uses because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning designation places the proposed commercial use within an appropriately placed overlay taking into consideration State requirements.

Finding #7: The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zoning designations and marijuana cultivation as a permitted use to the CSAG-10 zoning designation give reasonable consideration to the suitability of property because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted.

10. Does the requested zone give reasonable consideration to the character of the district and is the consideration weighted equally for both historical uses and established use patterns, and recent change-in-use trends without giving consideration one to the exclusion of the other?

As stated previously, the proposed text amendment and overlay for the CB-2 zoned property are located along the Highway 2 commercial corridor. The historical use of the properties are uses allowed by the current CB-2 zoning designation. Since House Bill 701 allowing adult use marijuana businesses will go into effect on January 1, 2022, adopting the zoning overlay to allow marijuana business in an overlay covering an area of approximately 45 acres placed on a commercial area zoned CB-2 would fulfill the requirements of the State while maintaining appropriate distance from residentially zoned property, churches and schools within the city.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2, marijuana cultivation as a permitted use to CSAG-10 and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing give reasonable consideration to the character of the district and uses because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted. Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #8: The proposed text and Growth Policy Map amendments give reasonable consideration to the character of the district, historical uses, established use patterns and change-in-use trends because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning designation and the addition of marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zoning designations and marijuana cultivation as a permitted use to the CSAG-10 zoning designation places the proposed uses within an appropriately placed overlay and zoning designations taking into consideration State requirements and current permitted uses of the zoning designations.

11. Will the new zoning affect property values and does it have a view of conserving the value of buildings.

The proposed addition of one permitted use in CB-2 and related Growth Policy Map amendment to include a Marijuana Business overlay, is not anticipated to affect property or building values. The overlay will cover an area of approximately 45 acres along Highway 2 on properties currently zoned CB-2 which allows commercial uses. Proximity to churches, schools, parks and residential areas has been specifically considered in the overlay placement.

The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2, marijuana cultivation as a permitted use to CSAG-10 and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing are not anticipated to affect property or building values because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted. Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

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

The text amendment is a proposed zoning overlay and addition of one permitted use for CB-2 zoned property along Highway 2 in the commercial corridor. As the overlay will allow an additional use of marijuana business on commercially zoned property, it appears to be the most appropriate placement of the allowed use.

The proposed text amendments to add marijuana cultivation and manufacturing as permitted uses to CI-1 and CI-2, marijuana cultivation as a permitted use to CSAG-10 and definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing are expected to encourage the most appropriate use of land because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted. Definitions for marijuana, marijuana cultivation, marijuana dispensary and marijuana manufacturing serve the purpose to establish definitions to aid in future decisions concerning marijuana and marijuana related activities.

Finding #9: The proposed text and Growth Policy Map amendments appear to conserve the value of existing buildings and encourage the most appropriate use of land because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning district places the proposed commercial use within an appropriately placed overlay taking into consideration State requirements and CI-1, CI-2 and CSAG-10 allow manufacturing and cultivations respectively.

SUMMARY OF FINDINGS

Finding #1: The proposed text and Growth Policy Map amendments appear to be supported by goals and policies of the Columbia Falls Growth Policy because they provide balanced commercial development located in areas to protect public health and safety.

Finding #2: The proposed text and Growth Policy Map amendments appear to lessen congestion in the streets because any resulting traffic increase will utilize Highway 2 which is a state maintained four lane highway designed to handle high levels of traffic and associated marijuana activities will be permitted in zoning designations which allow for similar activities.

Finding #3: The proposed text and Growth Policy Map amendments will secure safety from fire, panic and other dangers, promote public health, safety and general welfare and provide for adequate light and air because the existing CB-2 CI-1, CI-2 and CSAG-10 zoning designation bulk and dimension requirements remain unchanged with the addition of permitted uses and the Marijuana Business overlay.

Finding #4: The proposed text and Growth Policy Map amendments will prevent the overcrowding of land and undue concentration of people because the existing CB-2 zoning designation bulk and dimension requirements remain unchanged with the addition of one permitted use and the Marijuana Business overlay and the amendments to CI-1, CI-2 and CSAG-10 will not alter existing bulk and dimension requirements.

Finding #5: The proposed text and Growth Policy Map amendments will facilitate adequate provision of transportation, water, sewerage, schools, parks and other public requirements because the existing CB-2 bulk and dimension requirements remain unchanged with the addition of one permitted use and the Marijuana Business overlay, existing CI-1 and CI-2 bulk and dimensional requirements remain unchanged with the addition of marijuana cultivation and manufacturing and CSAG-10 bulk and dimensional requirements remain unchanged with the addition of marijuana cultivation as permitted uses.

Finding #6: The proposed text and Growth Policy Map amendments give reasonable consideration to the suitability of the property and uses because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning designation places the proposed commercial use within an appropriately placed overlay taking into consideration State requirements.

Finding #7: The proposed amendments to add marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zoning designations and marijuana cultivation as a permitted use to the CSAG-10 zoning designation give reasonable consideration to the suitability of property because CI-1 and CI-2 have been established in areas which take into account manufacturing and CSAG-10 has been adopted in areas where agricultural uses are permitted.

Finding #8: The proposed text and Growth Policy Map amendments give reasonable consideration to the character of the district, historical uses, established use patterns and change-in-use trends because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning designation and the addition of marijuana cultivation and manufacturing as permitted uses to the CI-1 and CI-2 zoning designations and marijuana cultivation as a permitted use to the CSAG-10 zoning designation places the proposed uses within an appropriately placed overlay and zoning designations taking into consideration State requirements and current permitted uses of the zoning designations.

Finding #9: The proposed text and Growth Policy Map amendments appear to conserve the value of existing buildings and encourage the most appropriate use of land because the addition of marijuana business as a permitted use in the proposed Marijuana Business overlay within the CB-2 zoning district places the proposed commercial use within an appropriately placed overlay taking into consideration State requirements and CI-1, CI-2 and CSAG-10 allow manufacturing and cultivations respectively.

RECOMMENDATION

Staff recommends the Columbia Falls City – County Planning Board adopt Columbia Falls Planning Office Staff Report #CZTA-21-01 as findings of fact and recommend approval of the requested Zoning Text Amendments and Growth Policy Map Amendment.

The amendments are indicated by ~~strike-out~~, underline and *italics*. All changes are highlighted in **yellow** for ease of reading.

Chapter 18.336 CB-2 GENERAL BUSINESS

18.336.010 Definition

A business district to provide for a wide range of commercial activities including offices, retail sales and services, shopping malls, and businesses that serve the needs of the traveling public and tourists.

18.336.020 Permitted Uses

1. Accessory building or use;
2. Assembly halls, coliseums, stadiums;
3. Automobile sales (new and used) and accessory sales;
4. Automobile parking, commercial enterprise;
5. Automobile parking, in conjunction with permitted uses;
6. Automobile service station;
7. Banks and other financial institutions;
8. Boat sales, new and used;
9. Car wash, automatic coin-operated;
10. Car washing and waxing, enclosed;
11. Clinic, medical and dental;

12. Clubs and other places of entertainment operated as commercial enterprises;
13. Colleges, business schools, trade schools, music conservatories, dance schools; provided that no students reside on campus;
14. Commercial recreation area;
15. Drug stores;
16. Dwelling, single-family;
17. Food stores, supermarkets, delicatessens;
18. Hotel, motel;
19. Laundromat, self-service coin-operated;
20. Laundry pick-up station;
21. Libraries, museums, and art galleries;
22. Lodges, fraternal and social organizations provided that any such establishment shall not be conducted primarily for gain;
23. Lumber yards, building materials; storage and sales;
- 24. Marijuana Dispensary within a Marijuana Business overlay**
25. Nursery, landscaping materials;
26. Office; professional, public and private;
27. Parks;
28. Pet shops, bird stores, taxidermists;
29. Pharmacy;
30. Public transportation shelter stations;
31. Public utility service installations;
32. Quasi-public buildings, nonprofit;
33. Recreational vehicle park;
34. Restaurants, except drive-ins;
35. Retail sales and service;
36. Shopping malls;
37. Storage, within the building, of goods intended for retail sales on premises;
38. Taverns;
39. Taxi stands;
40. Theaters, housed in permanent indoor structures;
41. Micro-Brewery, Brew Pub and Mini Brewery;
42. Vacation Rental.

Chapter 18.342 CI-1 LIGHT INDUSTRIAL

18.342.010 Definition

An industrial district to provide areas for light industrial uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.) which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented.

18.342.020 Permitted Uses

The permitted uses in the CI-1 district are as follows:

1. Accessory building or use;
2. Automobile and boat sales and service;
3. Automobile service station;
4. Building supply outlets;
5. Contractors yards;

6. Heavy equipment sales, rental, and service;
7. Manufacturing, fabricating, processing, repairing, packing, or storage facilities provided that such uses do not produce objectionable by-products (dirt, noise, glare, heat, odors, smoke, etc.) beyond the lot lines and that the uses do not involve materials that are explosive, hazardous, or toxic;
8. Marijuana cultivation and manufacturing
9. Nurseries and landscape materials, wholesale and retail;
10. Parcel delivery services;
11. Parks;
12. Research laboratories and institutions;
13. Tire sales, recapping and retreading.

Chapter 18.344 CI-2 HEAVY INDUSTRIAL

18.344.010 Definition

An industrial district to provide for uses to accommodate heavy manufacturing, processing, fabrication, and assembly of parts or material. It is also intended that the encroachment of non-industrial uses within the district be prevented.

18.344.020 Permitted Uses

The permitted uses in the CI-2 district are as follows:

1. Accessory building or use;
2. Contractors yards;
3. Manufacturing, fabricating, processing, repairing, packing, or storage facilities;
4. Marijuana cultivation and manufacturing
5. Parcel delivery services;
6. Parks;
7. Petroleum products, wholesale and retail;
8. Railroad yards.

Chapter 18.318 CSAG-10 SUBURBAN AGRICULTURE

18.318.010 Definition

A district to protect and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging concentration of such uses in areas where potential conflict of uses will be minimized.

18.318.020 Permitted Uses

The permitted uses in the CSAG-10 district are as follows:

1. Accessory building or use;
2. Agricultural/horticultural uses including orchards, nurseries, and the grazing, breeding, or raising of livestock on a commercial scale;
3. Class A manufactured homes;
4. Dairy farm;
5. Dairy products processing, bottling, and distribution;
6. Dwelling, single-family;
7. Guest house;
8. Home Occupations (see Special Provisions);
9. Marijuana cultivation

10. Nursery, landscaping materials;
11. Parks;
12. Produce stands;
13. Public transportation shelter stations;
14. Public utility service installations;
15. Riding academy, rodeo arena;
16. Stables, public and private.

18.447 Marijuana Dispensaries

- A. The city council may amend the zoning jurisdiction regulations and create within the CB-2 district a specific geographic area defined as marijuana business overlay zone.
- B. A marijuana dispensary may only be located within a CB-2 district in a location specifically designated marijuana business overlay zone on the official zoning jurisdiction map and in compliance with Montana Code Annotated restrictions.

18.626.DEFINITIONS -M

18.626.040 Marijuana

“Marijuana “means all plant material from the genus *Cannabis* containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. It does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to provide topical or oral administrations, food, drink, or other products. The term also does not include a drug approved by the United States Food and Drug Administration pursuant to Section 505 of the Federal Food, Drug, and Cosmetics Act, 21 U.S.C. 301, et seq.

18-626-050 Marijuana cultivation

“Marijuana cultivation” means a use operated by a person licensed by the State of Montana to (a) plant, cultivate, grow, harvest, and dry marijuana; and (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary. The use and placement of marijuana cultivation must be in compliance with Montana Code Annotated (MCA).

18-626-060 Marijuana dispensary

“Marijuana dispensary” means a licensed premises from which a person licensed by the State of Montana may (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved by the State; and (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age, or both. The location of a marijuana dispensary shall be located within CB-2/marijuana business zoning and shall be in compliance with Montana Code Annotated (MCA).

18-626.070 Marijuana manufacturing

“Marijuana manufacturing” means a use operated by a person licensed by the State of Montana to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extract and package, repackage, label, or relabel marijuana products. The use of marijuana manufacturing must be in compliance with Montana Code Annotated (MCA).

Renumber Accordingly

Oct. 7, 2021

Those of us who live near 2nd Ave. S.N. and C' Street are concerned about what businesses move into our area.

We are residential families with children and don't want threatening commercial or industrial businesses moving into our area.

We are in a commercial zone area.

We support an overlay map which would protect our area from sales of marijuana and other commercial or industrial businesses from disturbing our neighborhood residential family.

Deanna & Scott Lanners
280 C. Street

Felicy Wood
385 2nd Ave. S.N

Shauna Reid
388 ~~A Street~~ 2nd Ave. S.N

Heidi Wolf
371 2nd Ave. S.N

Jan. and Stan Hougset
363 3rd Ave. S.N

Becky & Tyron Wilson
261 C. Street S.N