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City of Columbia Falls
130 6th St. W.
Columbia Falls, MT 59912

ORDINANCE NO.819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP FROM CB-1 NEIGHBORHOOD/PROFESSIONAL BUSINESS TO CB-2 GENERAL BUSINESS ON PROPERTY LOCATED AT 230 US HIGHWAY 2 EAST, COLUMBIA FALLS FURTHER DESCRIBED AS ASSESSOR'S TRACT 2E, 2EC, 4EA, 4EAA AND 4E IN SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Mick Ruis, owner of the real property, has requested an amendment to the Columbia Falls zoning map to change the zoning from the current CB-1 Neighborhood/Professional Business to CB-2 General Business on property located at 230 US Highway 2 East, Columbia Falls further described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana (See full legal description on Exhibit A); and

WHEREAS, the Columbia Falls Planning Department, on June 29, 2022, in Staff Report CZC-22-02, recommended approval of the requested zoning amendment; and

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on July 12, 2022, at which the Board adopted Staff Report CZC-22-02 as Findings of Fact and recommended approval of the requested zoning map amendment; and

WHEREAS, a hearing on the Zoning Map Amendment was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, August 1, 2022, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the zoning map amendment request is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact: That the Columbia Falls Planning Office Report #CZC-22-02, dated June 29, 2022 is hereby adopted by the Council as findings of fact with respect to said zoning map amendment request.

Section Two. Change in Zoning Classification: That the requested zoning map amendment on property presently zoned CB-1 Neighborhood/Professional Business be changed to CB-2 General Business on property located at 230 US Highway 2 East, Columbia Falls further described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana (See full legal description on Exhibit A);

Section Three. The Council finds that the proposal complies with the Columbia Falls City Growth Policy.

Section Four. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Five. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Six. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 15TH DAY OF AUGUST, 2022, THE COUNCIL VOTING AS FOLLOWS:

AYES: Piper, Robinson, Shepard, Fisher, Karper and Barnhart

NOES: None

ABSENT: Lovering

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 15TH DAY OF AUGUST, 2022.

Mayor

ATTEST:

City Clerk

Exhibit A – Legal Description

Parcel A

Tract 2 of COS No. 3040, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

And

Certificate of Survey No. 3778, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

Parcel B

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County Montana and more particularly described as follows:

Commencing at the Northeast corner of Block 2 of Nucleus Addition (in said Section 17); thence East a distance of 60.00 feet' thence

North a distance of 395.95 feet to the true point of beginning of the tract herein described;

Thence

South 89°59'51" East a distance of 215.63 feet; thence

North 00°45'00" East a distance of 178.25 feet to the Southerly Right of Way of US Highway No. 40; thence along said right of way on a 5° curve to the right with a radius of 1195.92 feet and a delta angle of 11°34'48" and a radial bearing of North 19°56'51" East a distance of 241.71 feet; thence South a distance of 281.74 feet to the point of beginning.

EXCEPTING THEREFROM:

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Commencing as the Northwest corner of Tract 2, as shown on Certificate of Survey No 3040 (recorded June 30, 1977, as Reception No. 8645, Flathead County, Montana Reception Records), said point being the True Point of Beginning of the tract herein described; thence North 130.0 feet and along the East Right of Way of 2nd Avenue East, Columbia Falls;

Thence

South 89°59'51" East 57.00 feet; thence

South 92.64 feet; thence

South 87°20'47" East 159.19; thence

South 00°45' West 30.00 feet; thence

North 89°59'51" West 215.63 feet to the true point of Beginning.